

SUBDIVISION OF LAND

Town of Wakefield FORM C - APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

Wakefield Assessors Map

Map No: _____

Lot(s) No: _____

Submittal Date: _____

To the Planning Board of the Town of Wakefield:

1. The undersigned, 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.

The owner's title to the land is derived under deed from _____, dated _____, and recorded in Middlesex South District Registry of Deeds,

Book _____ Page: _____

Or in Middlesex South Land Registry District,

Certificate of Title No: _____

Book: _____ Page: _____

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 been submitted to the Board.

YES / NO

APPROVED / DISAPPROVED Date: _____

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 Wakefield Planning Board as in force on the date of this application, and as subject to the work specifications and other requirements of the Director of Public Works set forth in the statements attached thereto.

6. The applicant further agrees to complete all said required improvements within two years from the date of endorsement of the definitive plan by the Board, unless the Board approves a different period of time.

7. The applicant agrees that during the period of construction, which will terminate only upon the completion, and acceptance of the Planning Board, of all the required improvements of the approved definitive plan, the applicant will be responsible for all maintenance of the subdivision's roadways. This responsibility will include, but not be limited to, snow removal.

8. If the definitive plan is approved, the applicant authorizes the Board, at the applicant's expense, to record or register the plan in Middlesex South Registry and agrees that even if otherwise authorized so to do by the filing of a performance bond, applicant will not sell or offer to sell any of the lots within the subdivision until said plan is so recorded or registered.

9. The applicant further agrees that if the definitive plan is approved, applicant will promptly, at any time thereafter when requested so to do by the Board, convey to the Town, in form satisfactory to the Board, title to the water mains, sewers and all other drainage structures and the prescribed easements therefor (Form H).

WAKEFIELD CODE

10. The applicant further agrees that before final approval of the definitive plan he will:

- a. 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 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 or cash or negotiable securities in an amount equal to the penal sum of the bond; or
- b. File with the Board a conditional approval contract, Form G, requesting the Board to approve the definitive plan on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot until the required improvements necessary to adequately serve such lot have been completed to the satisfaction of the Board.

11. This application is accompanied by an original drawing of the proposed definitive plan, a designer's certificate, a layout plan of each street, including profiles as required, a topography plan, if required, and such other data as required by the Rules and Regulations, and a filing fee as required by § 320-8 of the Subdivision Rules and Regulations.

COMMONWEALTH OF MASSACHUSETTS

_____, SS. _____, _____ (date)

Then personally appeared the above names _____ and acknowledged the foregoing instrument to be _____ free act and deed and the contents to be true to the best of belief and knowledge, before me.

(Notary Public)

MY COMMISSION EXPIRES: _____

(If more than one owner, all must sign)

Applicant(s)

Street

Town

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

Accepted this _____ day of _____ (month) _____ (year) as duly submitted under the Rules and Regulations of the Planning Board.

WAKEFIELD PLANNING BOARD

SUBDIVISION OF LAND

Town of Wakefield
FORM D - DESIGNER'S CERTIFICATE

_____ (date)

To the Planning Board of the Town of Wakefield:

Project:

Plan _____

Dated _____

I hereby certify that the above-named plan and accompanying data are true and correct to the accuracy required by the Rules and Regulations of the Wakefield Planning Board.

Registered Professional Engineer

Registered Land Surveyor

Certificate Number

Certificate Number

Address

Address

SUBDIVISION OF LAND

Town of Wakefield
FORM E - PERFORMANCE BOND - SURETY COMPANY

KNOW ALL MEN BY THESE PRESENTS

that _____ as Principal, and _____, a corporation duly organized and existing under the laws of the State of _____, and having a usual place of business in _____, as Surety, hereby bind and obligate themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, to the Town Wakefield, a Massachusetts municipal corporation, 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 Wakefield Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be paid to the Town of Wakefield as liquidated damages.

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 hereunto set our hands and seals this _____ day of _____ (month) _____ (year)

Principal

By _____
Title

Surety

By _____
Attorney-in-Fact

SUBDIVISION OF LAND

Town of Wakefield
FORM F - PERFORMANCE BOND - SECURED BY DEPOSIT

KNOW ALL MEN BY THESE PRESENTS

that _____ of _____, Massachusetts, hereby binds and obligates himself, itself and his/its executors, administrators, devisees, heirs, successors and assigns to the Town of Wakefield, a Massachusetts municipal corporation, in the sum of _____ dollars, and has secured this obligation by the deposit with the Treasurer of said Town of Wakefield of said sum in money or negotiable securities.

The conditions of this obligation are that if the undersigned 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 applications signed by the undersigned and dated _____, 20____, under which approval of a definitive plan has been or is hereafter granted by the Wakefield Planning Board, then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid security for said sum shall become and be the sole property of the Town of Wakefield as liquidated damages.

IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal this _____ day of _____, (month) _____ (year)

Principal

By _____
Title

Surety

By _____
Attorney-in-fact

SUBDIVISION OF LAND

Town of Wakefield

FORM G - CONDITIONAL APPROVAL CONTRACT

KNOW ALL MEN BY THESE PRESENTS

that whereas the undersigned has submitted application dated _____, to the Wakefield Planning Board for approval of a definitive plan of a certain subdivision entitled _____ and dated _____, and has requested the Board to approve such plan without requiring a performance bond.

NOW THEREFORE, in consideration of the Wakefield Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Wakefield as follows:

1. The undersigned will not sell or convey an interest in any lot in the subdivision (which prohibition shall include the granting of a mortgage with respect to any such lot) or build upon any such lot (which prohibition shall include the installation of a foundation and/or the construction of any building or structure) until the ways and other improvements necessary to serve adequately such lot have been completely constructed and installed in the manner specified in the aforesaid application and in accordance with the covenants, conditions, agreements, terms and provisions thereof, and of the applicable Rules and Regulations of the Wakefield Planning Board which are hereby incorporated by reference.
2. 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.
3. 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 on any of said land, except such as are noted below and subordinated to this contract, evidence of which subordination is attached hereto.
4. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land.

It is understood and agreed that lots within the subdivision shall respectively be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

WAKEFIELD CODE

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

Commonwealth of Massachusetts

_____, ss. _____, 20__

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that the representations set forth therein are truthful and accurate to the best of his/her knowledge and belief and that he/she signed it voluntarily for its stated purpose.

(as partner for _____, a partnership)

(as _____ for _____, a corporation)

(as attorney in fact for _____, the principal)

(as _____ for _____, a/the _____)

Notary Public

My commission expires:

SUBDIVISION OF LAND

Subordination

_____ a banking corporation in _____ County, Massachusetts, the present holder of a mortgage on the above described land, which mortgage is dated _____ and recorded in Middlesex South District Deeds, Book _____ Page _____, or registered in Middlesex South Land Registry District as Document No. _____, and noted on Certificate of Title No. _____ in Registration Book _____, Page _____, for consideration paid, hereby subordinates said mortgage to the above contract and agrees that said contract shall have the same status, force and effect as though made and recorded or registered before the making 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 _____, (month) _____ (year).

BY _____
(Title)

Commonwealth of Massachusetts

_____, ss. _____, 20 ____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as _____ of the aforesaid bank.

Notary Public
My commission expires:

SUBDIVISION OF LAND

Town of Wakefield
FORM H - CONVEYANCE OF EASEMENTS AND UTILITIES

_____, of _____ County, Massachusetts, for good and adequate consideration, grant to the Town of Wakefield, a municipal corporation in Middlesex County, Massachusetts, with quitclaim covenants, the perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain, water mains and sanitary sewers with any manholes, pipes, conduits, drainage easements and other appurtenances thereto, and to do all acts incidental thereto, in, through and under the following described land:

And, for the consideration aforesaid, the said grantor does hereby give, grant, transfer and deliver unto the said grantee and its successors and assigns forever, all water mains and sanitary sewers, manholes, pipes, conduit, drainage easements and all appurtenances thereto that are now or hereafter constructed or installed in, through, or successors and assigns.

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title see deed from _____ dated _____, and recorded in Middlesex South Deeds Book, _____ Page _____, and _____, a banking corporation in _____ County, Massachusetts, the present holder of a mortgage on the above described land, which is dated _____, and recorded in said Deeds, Book _____, Page _____ for consideration paid, hereby releases unto the grantee and its successors and assigns forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

IN WITNESS WHEREOF we hereunto set our hands and seals this _____ day of _____ (month) _____ (year)

COMMONWEALTH OF MASSACHUSETTS

WAKEFIELD CODE

_____ SS. _____ (date)

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

Notary Public

MY COMMISSION EXPIRES: _____

SUBDIVISION OF LAND

Town of Wakefield FORM I

Form I has been reserved for future use.

SUBDIVISION OF LAND

Town of Wakefield

FORM J - TOWN CLERK'S CERTIFICATE OF NO APPEAL

I certify notice of approval of this plan by the Planning Board on _____, (date) was received by me on _____, (date) and that no notice of appeal was received by me during the 20 days next after receipt of said notice.

_____ (date)

TOWN CLERK
Wakefield, Massachusetts

SUBDIVISION OF LAND

Town of Wakefield FORM K - SUBDIVISION INSPECTION PROCEDURES

Reference is made to § 320-16C of the Rules and Regulations Governing the Subdivision of Land in Wakefield, Massachusetts, which reads as follows:

“In order that the Director of Public Works and Manager of the Municipal Light Department may properly inspect the work as it progresses, the applicant or subdivider will keep him informed at all times of the progress of the work, and will continuously provide safe and convenient access to all parts of the work for inspection by the Director of Public Works and Manager of the Municipal Light Department or by such persons as they may designate for that purpose. No work will be approved that has been covered before such inspection.”

The Developer must schedule a pre-construction meeting with the Town Engineer prior to the commencement of any construction activities. In addition to the Town Engineer, the following people are required to be in attendance:

1. The Developer or Developer's designated representative.
2. The general or site Contractor, or the Contractor's foreman, provided that this foreman will be in responsible charge of all work performed in the subdivision.
3. The subdivision inspector (agent of the Town of Wakefield) and/or the Wakefield Municipal Gas and Light Department's designated inspector (hereafter referred to as the "WMGLD Inspector").

The following items must be submitted at the pre-construction meeting:

1. Five (5) paper copies of the signed Definitive Subdivision Plan.
2. 24-hour emergency telephone numbers for the Developer or Developer's representative, and the Contractor or Contractor's foreman in responsible charge of the project.
3. Manufacturers shop drawings of all pipe, fittings, structures, and appurtenances used in the construction of the roadway, sidewalk, and utilities.
4. A schedule of work listing the anticipated completion dates of the following construction tasks:
 - a. Site cleared
 - b. Drainage system installed
 - c. Sewer main installed
 - d. Water main installed
 - e. Gas main installed
 - f. Electric, telephone, and CATV conduit installed
 - g. Roadway gravel base installed
 - h. Roadway binder course asphalt installed
 - i. Curbing installed
 - j. Sidewalk installed
 - k. Roadway top course asphalt installed
 - l. Street lights, fire pull-box, and street trees installed
 - m. Street bounds installed and as-built plans submitted

WAKEFIELD CODE

The inspection checklist shall be required as a term of subdivision acceptance. Items listed thereon shall not be considered inspected unless the subdivision inspector and the WMGLD inspector have signed the checklist to acknowledge that the inspection has taken place and all construction activities performed are to Town standards.

Items not listed on the checklist are subject to inspection on a periodic or ongoing basis by the subdivision inspector, at the inspector's convenience.

Periodic requests by the Developer for the release of surety shall be submitted accompanied by an Engineer's Cost Estimate. This cost estimate must strictly adhere to the form presented in this section. All costs listed thereon shall represent the estimated cost for the Town to complete the subdivision in the event of a default on the behalf of the Developer. This estimate is subject to review and amendment by the subdivision inspector, Town Engineer, or other agent of the Town of Wakefield Department of Public Works.

The developer is responsible for "tie cards" for water and sewer services; water and gas gates; and all other utilities. The "ties" shall plotted on the as-built drawings as well as submitted on "tie cards" acceptable to the various utilities.

Acknowledged by:

Developer _____ (date)

Contractor _____ (date)

SUBDIVISION OF LAND

Town of Wakefield

FORM K Subdivision Inspection Checklist

1. _____ Sewer main, manholes and services, inspected prior to backfilling.¹
Subdivision Inspector Date
2. _____ Sewer main testing witnessed.²
Subdivision Inspector Date
3. _____ Water main, valves, fittings and services, inspected prior to backfilling.¹
Subdivision Inspector Date
4. _____ Water main testing witnessed.²
Subdivision Inspector Date
5. _____ Drain pipes and structures, inspected prior to backfilling.¹
Subdivision Inspector Date
6. _____ Gas main and appurtenances, inspected prior to backfilling.¹
WMLD Representative Date
7. _____ Electric conduit and appurtenances, inspected prior to backfilling.¹
WMLD Representative Date
8. _____ Roadway base gravel, inspected.³
Subdivision Inspector Date
9. _____ Roadway binder course asphalt, installation witnessed.²
Subdivision Inspector Date
10. _____ Roadway top course asphalt, installation witnessed.²
Subdivision Inspector Date

Notes to inspection checklist:

¹The subdivision inspector or designated authority must be notified 24 hours in advance of inspection. This item must be inspected before it is backfilled. In the event that an item is buried before inspection, the subdivision inspector or the WMGLD Inspector may require at his or her sole discretion that it be uncovered for inspection.

²The subdivision inspector must be present during this activity.

³This item must be inspected in place by the subdivision inspector.

SUBDIVISION OF LAND

Town of Wakefield

FORM L - RELEASE OF CONDITIONAL APPROVAL CONTRACT

The Town of Wakefield, a municipal corporation situated in the County of Middlesex, Commonwealth of Massachusetts, acting by its duly organized Planning Board, holder of a Conditional Approval Contract, dated _____, (date) from _____ (name) of _____ County, Massachusetts, recorded with with the Middlesex South District _____ (town) Deeds in Book _____, Page _____, acknowledges satisfaction of the terms thereof and hereby releases all its right, title and interest in the same.

IN WITNESS WHEREOF, the said Town of Wakefield acting by its duly organized Planning Board, has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by the said Planning Board, this

_____ day of _____, (month) _____ (year).

SEAL

Planning Board of the Town of Wakefield

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____ (date)

Then personally appeared the above-named _____ and acknowledged the foregoing instrument to be the free act and deed of the Planning Board of the Town of Wakefield, before me

Notary Public
MY COMMISSION EXPIRES ON: _____

WAKEFIELD CODE

Town of Wakefield
FORM M – LENDER’S GUARANTEE OF PERFORMANCE

Agreement made this _____ day of _____, (date) by and between:
_____ (applicant)

(corporate name) (address) (county)

hereinafter referred to as the “Lender”; and the Town of Wakefield, acting through its Planning Board, hereinafter referred to as the “Board.”

WHEREAS, pursuant to the provisions of the Massachusetts Subdivision Control Law and the Board’s Rules and Regulations adopted thereunder, the Board has approved a definitive plan entitled _____, dated _____, and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____ or registered in the Middlesex South District of the Land Court as Document No. _____, and noted on Certificate of Title No. _____, in Registration Book _____, Page _____.

The Applicant and the Board have executed a covenant, dated _____, recorded in said Deed Book _____, Page _____; and

WHEREAS, the Applicant has granted to the Lender a mortgage dated _____, recorded in said Deed Book _____, Page _____, covering lots numbered _____ as shown on said land as security for the payment of a certain note in the principal sum of \$ _____; and

WHEREAS, the Lender has withheld \$ _____ of said principal sum to be disbursed to the Applicant as and when municipal services shall have been installed and ways constructed pursuant to said plan, said Rules and Regulations, and said Covenant.

NOW, THEREFORE, it is understood and agreed that the Lender shall retain the following sums, as itemized and shown on Schedule dated _____, and labeled _____ estimate deemed by the Board to be sufficient, until the corresponding municipal service and ways shall have been determined by the Board to be completed in accordance with its applicable rules and regulations.

It is further understood and agreed that all of the above services and ways shall be completed no later than _____, nor two (2) years later than endorsement, whichever comes first, unless the date be extended by written amendment by mutual agreement of the parties hereto.

In the event the work is not completed within the time set forth or as extended, said funds as retained by the Lender shall be made available to the Treasurer of the Town of Wakefield for completion of the work, and the Applicant shall be deemed to have authorized the release of said funds for said purposes, and to have relinquished all claims to said funds.

In consideration of the foregoing, the Board hereby releases lots numbered _____ shown on said definitive plan from the provisions of said covenant and conditions therein imposed.

SUBDIVISION OF LAND

The obligations of the parties hereunder are to be construed consistent with the subdivision control law, and no rights granted thereunder are waived.

(over)

WAKEFIELD CODE

IN WITNESS WHEREOF, the parties hereto, being duly authorized, have executed this agreement as a sealed instrument on this _____ day of _____ (month) _____ (year).

LENDER

COMMONWEALTH OF MASSACHUSETTS

_____ SS. _____, 20____

Then personally appeared _____
Chairperson of Board or Council

Lender Applicant
and acknowledged the foregoing instrument to be their free act and deed, before me.

MY COMMISSION EXPIRES: _____ (Notary Public)

Certification of Board of Directors of Corporation

APPLICANT

NOTE: If applicant is a corporation, a vote of the Board of Directors of the corporation must be appended or filed with the Town of Wakefield.

WAKEFIELD PLANNING BOARD

_____ (Chairperson)

SUBDIVISION OF LAND

COMMONWEALTH OF MASSACHUSETTS

_____ SS. _____, (date)

Then personally appeared _____
Chairperson of Board or Council

Lender Applicant

and acknowledged the foregoing instrument to be their free act and deed, before me.

Notary Public
MY COMMISSION EXPIRES: _____

Town of Wakefield
FORM N – CERTIFIED ABUTTERS LIST

SUBDIVISION OF LAND

CERTIFIED

WAKEFIELD CODE

Town of Wakefield
FORM O - LEGAL NOTICE OF PUBLIC HEARING

TOWN OF WAKEFIELD MASSACHUSETTS
PLANNING BOARD

In accordance with the provisions of MGL c. 41, §§ 81-T and 81-U, the Planning Board will hold a Public Hearing on _____ (date and time) in Room #2 of the Town Hall, on the application of _____ (name of applicant and address) for approval of a definitive plan entitled _____ (name of subdivision and date of plan) _____ by _____.(locus of subdivision) (name of Engineer)

A copy of the plan is on file in the Town Planner's office and may be inspected during business hours.

Any person interested, or wishing to be heard on the proposed plan, should appear at the time and place designated.

WAKEFIELD PLANNING BOARD

Chairperson

SUBDIVISION OF LAND

Town of Wakefield
FORM P - RELEASE OF COVENANT

TOWN OF WAKEFIELD MASSACHUSETTS
PLANNING BOARD

The undersigned, being a majority of the Planning Board of the Town of Wakefield, Massachusetts, hereby certify that the construction improvements required by the Covenant dated _____, given by _____ (record owner) and recorded in the Middlesex South District Registry of Deeds, Book _____, Page _____, or Document No. _____ and noted on Certificate of Title No. _____, in Registration Book _____, Page _____, and the subdivision plan hereinafter mentioned, have been completed or have been secured by the posting of a bond or other acceptable security to the satisfaction of the Wakefield Planning Board as to the lots enumerated or designated as follows:

Lots _____ shown on the definitive subdivision plan of _____, dated _____, and recorded in said Deeds dated Book _____, Page _____, and said lots are hereby released from the restrictions as to sale and building specified in said Covenant.

Executed as a sealed instrument this _____ day _____ (month) _____ (year)

WAKEFIELD PLANNING BOARD

_____, Chairperson

COMMONWEALTH OF MASSACHUSETTS

_____ (date)

Then personally appeared the above named _____, and acknowledged the foregoing instrument to be the free act and deed of the Planning Board of the Town of Wakefield, before me.

Notary Public

MY COMMISSION EXPIRES: _____