

**FORM A**

**APPLICATION FOR ENDORSEMENT  
OF PLAN BELIEVED NOT TO REQUIRE APPROVAL**

Hingham, MA, \_\_\_\_\_, 20\_\_

To the **Hingham Planning Board**:

The undersigned, believing that the accompanying plan of his property in the Town of Hingham 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. For the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone#: \_\_\_\_\_ Work#: \_\_\_\_\_

2. Name of Engineer or Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_

3. Deed of Property recorded in \_\_\_\_\_ Registry of Deed Book \_\_\_\_\_ Page \_\_\_\_\_  
(county)

4. Location and Description of Property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. Date of Filing of this Application with the Town Clerk: \_\_\_\_\_

Signature of record owner(s): \_\_\_\_\_

Print name of record owner(s): \_\_\_\_\_

Address: \_\_\_\_\_ Telephone#: \_\_\_\_\_

Note: The Applicant must submit with this application all of the data and documentation required by Section 3A of the Rules and Regulations of the Planning Board. The application needs to be stamped by the Town Clerk before submitting to the Planning Board.

## CHECKLIST FOR FORM A APPLICATIONS

The following checklist shall be completed in its entirety and be submitted with the Form A as a part of an Approval Not Required Application:

PERMIT TYPE	PERMIT FILING FEE	NUMBER OF PLAN COPIES REQUIRED
APPROVAL NOT REQUIRED (ANR / FORM A)	\$250 plus \$250 per buildable lot	1 Mylar & 6 Copies

- \_\_\_\_\_ Application fee and submittal requirements (See table above)
- \_\_\_\_\_ Scale: 1" = 40'
- \_\_\_\_\_ Date of plan
- \_\_\_\_\_ North point
- \_\_\_\_\_ Reference to Assessor's plan number
- \_\_\_\_\_ Reference to recently recorded plans for the parcel
- \_\_\_\_\_ Name of the person for whom the plan is prepared or name of the applicant
- \_\_\_\_\_ Name of engineer or surveyor preparing the plan:
- \_\_\_\_\_ Seal
- \_\_\_\_\_ Signature
- \_\_\_\_\_ Flood Plain and Watershed Protection District
- \_\_\_\_\_ Area of flood plain included within each lot
- \_\_\_\_\_ All other wetlands and flood plain
- \_\_\_\_\_ Lots: area, frontage and dimensions of all whose dimensions are altered by the plan
- \_\_\_\_\_ Area, frontage dimensions and bearings of all proposed lots
- \_\_\_\_\_ Contiguous lots in common beneficial ownership with land that is the subject of the plan
- \_\_\_\_\_ Locus plan at a scale of at least 1" = 800'
- \_\_\_\_\_ Streets bounding or near the property

**For a compiled plan:**

- \_\_\_\_\_ Identity of plans from which compiled
- \_\_\_\_\_ Identity of each plan referenced or relied upon by the plan
- \_\_\_\_\_ title
- \_\_\_\_\_ date
- \_\_\_\_\_ person who prepared the plan
- \_\_\_\_\_ date of preparation
- \_\_\_\_\_ approval by Planning Board
- \_\_\_\_\_ recorded reference to the plan in the Registry of Deeds or Land Court
- \_\_\_\_\_ Lot Shape Square for frontage
- \_\_\_\_\_ Upland area for all lots
- \_\_\_\_\_ Setbacks for all existing structures
- \_\_\_\_\_ Zoning District
- \_\_\_\_\_ Digital copy of the plan in both AutoCAD and .pdf format
- \_\_\_\_\_ A note stating the PURPOSE of the plan (creation of lot, land transfer, etc.)

The plan must include the following note: **ENDORSEMENT OF THIS PLAN DOES NOT CONSTITUTE AN INTERPRETATION OF ZONING.**

**Do not show the entirety of any parcels except those that are the subject of the Application or in common beneficial ownership.**

If applicable the plan should also include the following language: THE WETLANDS DELINEATION LINE AS DEFINED BY THE WETLANDS PROTECTION ACT, CHAPTER 131, SECTION 40, AND THE TOWN OF HINGHAM CONSERVATION COMMISSION BY-LAWS HAS NOT BEEN VERIFIED BY THE HINGHAM CONSERVATION COMMISSION OR APPROVED BY THIS ENDORSEMENT.

**FORM B**

**APPLICATION FOR APPROVAL OF PRELIMINARY PLAN**

Hingham, MA, \_\_\_\_\_, 20\_\_

To the Hingham Planning Board:

The undersigned herewith submits the accompanying Preliminary Plan of property located in the Town of Hingham for consideration as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Hingham.

1. Name of Subdivider: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone#: \_\_\_\_\_

2. Name of Engineer or Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone#: \_\_\_\_\_

3. Deed of Property recorded in \_\_\_\_\_ Registry of Deed Book \_\_\_\_\_ Page \_\_\_\_\_  
(county)

4. Location and Description of Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Date of Filing of this Application with the Town Clerk: \_\_\_\_\_

Signature of record owner(s): \_\_\_\_\_

Print name of record owner(s): \_\_\_\_\_

Address: \_\_\_\_\_ Telephone#: \_\_\_\_\_

Note: File one completed form with the Planning Board and one copy with the Town Clerk.

**FORM C**

**APPLICATION FOR APPROVAL OF DEFINITIVE PLAN**

To the Planning Board of the **Town of Hingham**:

The undersigned applicant(s) being the owner(s) of all land included within the proposed subdivision shown on the accompanying plan desire(s) to subdivide such land, and submit(s) such plan as a definitive plan for approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations governing the subdivision of land of the Planning Board of the Town of Hingham.

(a) Name of Subdivider: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone#: \_\_\_\_\_

(b) Name of Engineer or Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone#: \_\_\_\_\_

(c) Deed of Property recorded in \_\_\_\_\_ Registry of Deed Book \_\_\_\_\_ Page \_\_\_\_\_  
(county)

(d) Said land is described as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(e) The following are all the mortgages, liens, easements, restrictions and other encumbrances on the whole or any part of said land: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(f) The following are the easements and restrictions appurtenant to said land over the land of others: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(g) The applicant(s) covenant(s) and agree(s) for himself (themselves) (itself) and his (their) (its) heirs, executors, administrators, successors and assigns:

- (1) To construct and complete the proposed ways and all improvements shown on said plan as approved by the Board and to install the drainage system, water pipes, gas pipes and electric lines, and all other municipal services therein required by the Board, within \_\_\_\_\_ months from the date of this application.
- (2) To construct and complete said ways and improvements and to install said municipal services, in accordance with the Rules and Regulations of the Board in force at the date of this agreement and in accordance with the specifications set forth in Section 5 of these Rules and Regulations.
- (3) That before the approval of the plan to which this application relates becomes effective he (they) (it) will cause to be filed with the Board a duly executed bond or deposit or Letter of Credit in a form satisfactory to the Board, to secure performance of and compliance with all agreements, conditions and requirements contained in his (their) (its) application, or imposed by the Board, in accordance with law and the Rules and Regulations of the Board, in a sum equal to the full cost of constructing said ways and all improvements and installing said services, as estimated by a person satisfactory to the Board, and secured by an irrevocable Letter of Credit drawn upon a Massachusetts lending institution in an amount sufficient in the opinion of the Board to secure performance.

- OR THIS -

- (4) The applicant(s) request(s) that the Board approve the plan to which this application relates without requiring a bond, on condition that no lot in the subdivision shall be sold and no building shall be erected or placed on any lot therein until said ways and all improvements are completed and said municipal services are installed, in accordance with the specifications laid down by the Board, so as adequately to serve such lot, and he (they) (it) agree(s) that in the event of such approval, he (they) (it) will obey and comply with such condition until performance with the requirements thereof is evidenced by a certificate of the Board.
- (5) That if this application is approved, he (they) (it) will cause the plan to which it relates to be recorded in the Registry of Deeds of Plymouth County or filed with the Recorder of the Land Court within thirty (30) days after such approval and that he (they) (it) will not sell or offer to sell any of the lots within the subdivision until such plan is so recorded or filed.

- (h) This application is accompanied by an original drawing of the definitive plan and all other data, plans, and maps required, and fourteen print copies of each, all on the forms or in the manner prescribed by the Board and a fee of \_\_\_\_\_(as per Section 2(c)).

Witness the signature(s) and seal(s) of the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

Assented to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mortgagees

**FORM C-1**

**APPLICATION FOR MODIFICATION, RESCISSION OR AMENDMENT OF  
DEFINITIVE SUBDIVISION PLAN**

Subdivision: \_\_\_\_\_

Date: \_\_\_\_\_

To the Planning Board of the **Town of Hingham:**

The undersigned authorized applicant(s) or owner(s) of all the land shown on the accompanying approved Definitive Subdivision plan located and described as follows:

Plan Title: \_\_\_\_\_

Plan Date: \_\_\_\_\_ Revised Through: \_\_\_\_\_

Drawn By: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Date of Planning Board Approval: \_\_\_\_\_ Endorsed: \_\_\_\_\_

Assessor's Map and Lot Numbers(s): \_\_\_\_\_

Zoning: \_\_\_\_\_ Total Acreage: \_\_\_\_\_ Number of Lots: \_\_\_\_\_

hereby submits this Application for a Modification \_\_\_\_\_ Rescission \_\_\_\_\_ or Amendment \_\_\_\_\_ of an Approved Definitive Subdivision Plan.

The Modification is described as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

All prior conditions of approval shall remain in full force and effect until such time as they are met. Pursuant to Massachusetts General Laws, Chapter 41, Section 81-W, this Modification/Rescission/Amendment shall take effect when: (1) the plan as originally approved or a copy thereof, and a certified copy of the vote of the planning board making such Modification/Rescission/Amendment or change, and any additional plan referred to in such vote, have been recorded, (2) an endorsement has been made on the plan originally approved as such vote is indexed in the grantor index under the names of the owners of record of the land affected.

If a proposed Modification will result in changes to the Definitive Plan, the plan submission requirements for a Definitive Plan shall be followed.

List all mortgage holders of the land: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permission of the owners affected by any change to the subdivision plan and of the mortgage holders must be obtained.

\*Attach a list of lot owners and their addresses.

To the best of my knowledge the information submitted herewith is complete and accurate.

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Signature of Owner	Address	Telephone
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Signature of Authorized Applicant	Address	Telephone
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The cost of recording shall be at the expense of the applicant in the case of Amendment or Modification.

The Amendment/Modification/Rescission of the approval of this plan shall not affect the lots in the subdivision which have been sold or mortgaged in good faith and for valuable consideration or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon. Written consent from said owners and mortgages, if any, is attached hereto.

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Hingham Planning Board Chairman

Submittal requirements:

1. Completed application
2. Application Fee
3. Twelve copies of proposed plan (one - full set and eleven - 11"x 17" sets)

**Form C-2: CHECKLIST FOR DEFINITIVE PLAN APPLICATIONS**

The following checklist shall be completed in its entirety and be submitted with the Form C as a part of a Definitive Subdivision Application:

PERMIT TYPE	PERMIT FILING FEE	NUMBER OF PLAN COPIES REQUIRED	NUMBER OF COPIES OF SUPPORTING DOCUMENTS REQUIRED
DEFINITIVE PLAN (FORM C)	See Fee Schedule	5 full size plans 5 reduced 11"X17" copies 1 .pdf file	2 copies of all Reports 14 copies of the Application Form 1 .pdf file of all submitted data

- \_\_\_\_\_ Application fee and submittal requirements (See table above)
- \_\_\_\_\_ Completed Form C
- \_\_\_\_\_ Scale: 1" = 40'
- \_\_\_\_\_ Date of plan
- \_\_\_\_\_ North point
- \_\_\_\_\_ Reference to Assessor's plan number(s)
- \_\_\_\_\_ Reference to recently recorded plans for the parcel
- \_\_\_\_\_ Name of the person for whom the plan is prepared or name of the applicant, if the applicant is not the Owner, provide notarized certification of authority to file subdivision
- \_\_\_\_\_ Name of Property Owner
- \_\_\_\_\_ Name of engineer and surveyor preparing the plan:
  - \_\_\_\_\_ Seal
  - \_\_\_\_\_ Signature
- \_\_\_\_\_ Flood Plain and Watershed Protection District
- \_\_\_\_\_ Area of flood plain included within each lot
- \_\_\_\_\_ All other wetlands and flood plain, attach copy of ORAD or statement that no wetlands are within 100 feet of the property
- \_\_\_\_\_ Lots: area, frontage and dimensions of all lots, including those whose dimensions are altered by the plan
- \_\_\_\_\_ Area, frontage dimensions and bearings of all proposed lots and roadways
- \_\_\_\_\_ Contiguous lots in common beneficial ownership with land that is the subject of the plan
- \_\_\_\_\_ Locus plan at a scale of at least 1" = 800'
- \_\_\_\_\_ Streets bounding or near the property
- \_\_\_\_\_ Sketch plan of adjoining land or statement regarding contiguous land if applicable.
- \_\_\_\_\_ Drainage Report including all calculations stamped by the Professional Engineer who prepared the calculations including:
  - \_\_\_\_\_ Rational Formula calculations including watershed plans, pipe and inlet sizing, etc.
  - \_\_\_\_\_ hydrology calculations consistent with the NRCS methodology with watershed plans, pre and post development analysis, identification of receiving waters, wetlands, etc.
- \_\_\_\_\_ Identity of each plan referenced or relied upon by the plan
  - \_\_\_\_\_ title
  - \_\_\_\_\_ date
  - \_\_\_\_\_ person who prepared the plan

- \_\_\_\_\_ date of preparation
- \_\_\_\_\_ approval by Planning Board
- \_\_\_\_\_ recorded reference to the plan in the Registry of Deeds or Land Court
- \_\_\_\_\_ copy of deeds for all parcels included in the filing
- \_\_\_\_\_ copies of all easements, restrictions and mortgages on the property and all easements, restrictions, etc. that are appurtenant to the property.
- \_\_\_\_\_ Square for lot shape
- \_\_\_\_\_ Lot area consistent with Section 4. B. 13 of the Zoning Bylaws.
- \_\_\_\_\_ Setbacks for all existing structures
- \_\_\_\_\_ Zoning District
- \_\_\_\_\_ Certifications on the plans
- \_\_\_\_\_ Video Inspections as applicable

**FORM D**

**PERFORMANCE BOND - SECURED BY DEPOSIT**

Know all men by these presents that \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_,

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

The condition of this obligation is 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 application signed by the undersigned and dated \_\_\_\_\_, 20\_\_\_\_, under which approval of a definitive plan of a certain subdivision, entitled \_\_\_\_\_ and dated \_\_\_\_\_, 20\_\_\_\_, has been or is hereafter granted by the Hingham 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 said Town of Hingham as liquidated damage.

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

\_\_\_\_\_

FORM D4

PERFORMANCE SECURED BY FUNDS RETAINED BY LENDER  
MORTGAGE PROCEEDS

*This is a sample form. The form submitted to the Planning Board shall be prepared as an original document. The Developer should not attempt to "fill in the blanks" on this copy.*

\_\_\_\_\_, 20\_\_  
, Massachusetts

AGREEMENT made this date between the Planning Board of the Town of Lexington, hereinafter referred to as "the Board"; \_\_\_\_\_ hereinafter referred to as "the applicant" of (name of applicant)

\_\_\_\_\_ and \_\_\_\_\_  
(address of applicant)

\_\_\_\_\_, hereinafter referred to as "the lender" of \_\_\_\_\_ (name of bank that has first mortgage)

\_\_\_\_\_, to secure construction of ways and \_\_\_\_\_ (address of lender) installation of municipal services in the subdivision of land shown on a plan entitled

by: \_\_\_\_\_ dated: \_\_\_\_\_, 20\_\_  
and showing \_\_\_ proposed lots, hereinafter referred to as the "definitive plan."

WHEREAS, the applicant and the Board have executed a covenant, dated \_\_\_\_\_, 20\_\_, recorded in the Middlesex County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_; and

WHEREAS, the applicant has recorded a first mortgage with the lender dated \_\_\_\_\_, 20\_\_, recorded in the Middlesex County Registry Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, covering as shown on the above-referenced plan as security for the payment of a certain note in the principal sum of \_\_\_\_\_ dollars; and

WHEREAS, there is now due and available to the applicant on account of said loan a sum not less than dollars; and

WHEREAS, the Board is in receipt of a recommendation of the Town Engineer, dated \_\_\_\_\_ 20\_\_, and has determined the amount of surety needed for the construction of ways and installation of utilities;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. The applicant and the lender warrant and represent that they are the only parties having any interest in lots numbered \_\_\_ through \_\_\_ inclusive shown on the definitive plan and that they are duly authorized and empowered to enter into this agreement upon the terms and conditions herein set forth.
2. The lender hereby acknowledges that it has retained and set aside from said loan the sum of dollars (\$\_\_\_\_\_) to secure performance of the work, which sum shall not be released except in accordance with the provisions of this agreement.

3. The applicant and lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns, jointly and severally to the Board, in the sum of

FORM D4, PERFORMANCE SECURED BY FUNDS  
 RETAINED BY LENDER, MORTGAGE PROCEEDS  
 AS OF (date)

dollars, and have secured this obligation by the lender retaining said sum of money of said principal sum otherwise due the applicant to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

- a. Conditions included in the Certificate of Action issued by the Planning Board and dated \_\_\_\_\_  
 (date of vote to approve);
  - b. The definitive plan as qualified by the Certificate of Action; and
  - c. The subdivision control law and the Planning Board's Rules and Regulations governing this subdivision and dated \_\_\_\_\_;  
 (date of Rules and Regulations which govern plan)
  - d. A covenant, dated \_\_\_\_\_, 20\_\_, recorded in the Middlesex Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_; and
  - e. Other document(s) specifying construction or installation to be completed, namely: specify other documents, if any, and list lots secured if only a part of the subdivision is secured by a lender's agreement \_\_\_\_\_.
4. The applicant that it shall expeditiously undertake to perform the work and that in all events the work shall be performed no later than \_\_\_\_\_, unless such date is extended by written agreement of the parties hereto. The Board shall be under no obligation to extend such date and may condition any such extension upon reasonable further conditions, including a condition that additional sums be held pursuant to this agreement on account of increased costs.
5. The parties agree that the work is of such a nature that provision may be made for a release in stages of the sum held pursuant to this agreement. Accordingly, such sum be released from time to time by the lender to the applicant upon receipt by the lender of a certificate from the Board that a

specified amount of the work has been performed to the satisfaction of the Board and that the Board has voted to release a specified sum, and in accordance with the following schedule:

SUM TO BE RETAINED BY LENDER	STAGE OF CONSTRUCTION AND OR INSTALLATION TO BE COMPLETED	DATE WHEN CONSTRUCTION INSTALLATION IS TO BE COMPLETED
------------------------------------	---	--

- 1. \$                      Installation of all utilities
- 2. \$                      Installation of "binder" course of street
- 3. \$                      Installation of surface course of street, final grading, loaming and seeding

If the Board shall not provide a final certificate prior to the Completion Date because of the failure of the applicant to perform its obligations hereunder, then, upon notice from the Board to the lender of such fact, such (or such portion thereof as the Board may determine to be appropriate in the circumstances) shall be made available to the Town of Lexington (without, however, intending hereby to require Town Meeting action on account thereof) to enable it to cause the applicant's obligations hereunder to be performed. The

lender shall have no obligation to inquire into the validity of any such notice and shall be fully protected in relying upon the terms set forth therein.

The applicant hereby expressly assents to release of sums hereunder in accordance with the foregoing procedures and agrees that any such release shall be considered as properly made in accordance with the terms hereof except for actions taken by the lender or the Board in bad faith. Any unused portion of such funds will be released by the Planning Board and may be disbursed by the lender to the applicant upon completion of the work by said Town.

6. In consideration of the foregoing, the Board hereby releases lots numbered \_\_\_ through \_\_\_ inclusive as shown on the definitive plan from the provisions of the covenant and the conditions therein imposed. Except to the extent herein expressly set forth, the Board does not waive any rights it may have on account of the definitive plan or the covenant or under the Massachusetts Subdivision Control Law and the Board's Rules and Regulations adopted there under. The lender hereby assents to any and all changes and modifications which may be made by the Board and the applicant with respect to the definitive plan, said certificate of action, this agreement and other relevant documents.

7. This agreement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the day and year first above written.

\_\_\_\_\_  
Signature of Applicant  
Applicant's Name Typed \_\_\_\_\_  
Address \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Representative of the Lender  
Name of Authorized Representative Typed \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signatures of a Majority of the Lexington Planning Board

FORM E: STATUTORY COVENANT

Subdivision Name: \_\_\_\_\_

Hingham, MA

PLANNING BOARD

KNOW ALL MEN BY THESE PRESENTS that whereas \_\_\_\_\_, Inc. having its usual place of business at \_\_\_\_\_, Massachusetts, is the owner of land for which a petition was filed with the Hingham Planning Board ("Board") for approval of a certain Definitive Subdivision Plan entitled \_\_\_\_\_: Plan dated \_\_\_\_\_, as revised through \_\_\_\_\_ and prepared by \_\_\_\_\_, and has requested the Board to approve such plan without requiring a performance bond, (see Plan # \_\_\_\_\_ of the year \_\_\_\_\_, Plymouth County Registry of Deeds, recorded herewith).

NOW, THEREFORE, WITNESSETH that in consideration of the Board's 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 Hingham as follows:

1. This agreement shall run with the land and 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 Covenant shall constitute ad covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.
2. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and the installation of municipal services necessary to adequately serve such lot have been completed in the manner specified in the aforesaid application, and in accordance with the covenants, agreements, terms, conditions, and provisions thereof. It is understood and agreed that lots with the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Board and enumerating the specific lots so released.
3. The undersigned represents and covenants that it is the owner in fee simple of all of the land included in the aforesaid subdivision and that there are no mortgages of record or

otherwise on said land, except for the mortgages described below and subordinated to this Covenant and the present holders of said mortgages have assented to this Covenant. A Mortgagee who acquires title to the mortgaged premises or part thereof may sell any lot subject to the terms and conditions of this Covenant. The undersigned further represents that to the best of its knowledge and belief there are no liens or attachments or encumbrances of any nature save there hereinafter subordinated mortgages, any encumbrances appearing on a certificate of municipal liens issued by the Town of Hingham, and such easements as are related to the development of the subject property.

4. All drainage facilities and associated structures, including pipe, loaming, and seeding, shall be completed to the satisfaction of the Planning Board prior to the release of any lot or the issuance of any Certificate of Occupancy by the Building Inspector.
5. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Board within two years of endorsement of the plan unless an extension of time is granted by the Board. Failure to so complete without an extension of time shall automatically rescind approval of the plan.
6. No lot shall be released from the Statutory Covenant pursuant to G.L.c.41,s.81U and no Certificate of Occupancy shall be granted by the Building Inspector without first obtaining Board of Health approval for a sewage system on the lot. Copies of all approved septic design shall be submitted to the Planning Board for grading approval. If, in order to obtain a permit for an approved disposal system from the Board of Health, fill or grading is required to the extent that, in the opinion of the Planning Board, the drainage pattern would be adversely affected then the Planning Board may require an amended plan and revised drainage calculations.
7. Approval by the Planning Board of this Plan shall not be treated as, nor deemed to be, approval by the Board of Health for a permit for the construction and use on any lot of an individual sewage system. No building or structure shall be placed on any lot without the consent of the Board of Health.
8. This subdivision will be subject to a Conservation Commission Notice of Intent. Prior to release of any lots, the developer's engineer shall certify that the subdivision plan is consistent with the drainage design and plans as may be finally approved by the Hingham Conservation Commission or the Massachusetts Department of Environmental Quality Engineering as part of an Order of Conditions. Drainage, erosion and sedimentation and any other plans that may be finally approved by the Conservation Commission shall be made a part of this subdivision with a sequential identifying sheet number. If there is any inconsistency between the submitted Subdivision Plan and the plans as may be approved by the Conservation Commission, the applicant shall submit an amended plan to the Planning Board for approval. Said amended plan shall be accompanied by a letter setting

forth any and all changes from the submitted Subdivision Plan and shall include three (3) sets of revised drainage calculations, if applicable.

9. Lots \_\_\_\_\_ shall not be released from this agreement until each of the following have occurred:
  - a. The undersigned has submitted to the Board proof that all easements have been filed with the Plymouth County Registry of Deeds.

**FORM F**  
**AGREEMENT**

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
By and between the Planning Board of the Town of Hingham, Plymouth County,  
Massachusetts, hereinafter called the Board: \_\_\_\_\_ of  
\_\_\_\_\_, hereinafter called the Applicant; and \_\_\_\_\_  
\_\_\_\_\_, having its usual place of business in  
\_\_\_\_\_, \_\_\_\_\_ County, Massachusetts,  
hereinafter called the Lender.

WHEREAS by a covenant between the Board and the Applicant, dated \_\_\_\_\_  
duly recorded by the Applicant, in Plymouth County Registry of Deeds, Book \_\_\_\_\_  
Page \_\_\_\_\_, running with the land, Lot Nos. \_\_\_\_\_, as shown on a plan, approved  
by the Board on \_\_\_\_\_, 20\_\_\_\_, entitled “ \_\_\_\_\_  
\_\_\_\_\_,” dated \_\_\_\_\_,  
and being filed as Plan Nos. \_\_\_\_\_ in Plan Book \_\_\_\_\_, in the Plymouth County  
Registry of Deeds, cannot be built upon or conveyed, other than by mortgage deed, until  
completion of the construction of ways and the installation of municipal services serving  
such lots, in accordance with said plan and the Rules and Regulations of the Board.

WHEREAS the Applicant, as security for monetary advances to be made to the Applicant  
by the Lender, has given a first mortgage dated \_\_\_\_\_, recorded in  
the Plymouth County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, to the Lender  
covering (all of the premises or Lots Nos. \_\_\_\_\_) as  
shown on said plan.

NOW, THEREFORE, the parties hereby agree, in accordance with the provisions of  
Chapter 41, section 81U of the General Laws of the Commonwealth of Massachusetts, as  
follows:

1. The Board agrees with the Applicant to release, by a separate document to be  
recorded, Lots \_\_\_\_\_, as shown on said plan, from the operation of  
said covenant.

2. The lender agrees with the Board that it tenders an Irrevocable Letter of Credit Number \_\_\_\_\_ in the sum of \_\_\_\_\_.
3. The lender further agrees, that in the event all of said work is not completed within 24 months from and after the date thereof, all of the said sum shall be applied for completion of said work (to the full extent required for such completion) in such manner as the Board shall direct.
4. The Applicant agrees that the construction of said ways and the installation of said municipal services shall be done in accordance with the Rules and Regulations of the Board and with the requirements of said plan as approved by the Board.

**FORM G**

**CERTIFICATE OF PERFORMANCE**

(Covenant Approval Release)                      Hingham, Massachusetts, \_\_\_\_\_, 20\_\_

The undersigned, being a majority of the Planning Board of the Town of Hingham, Massachusetts, hereby certify that the requirements for work on the ground called for by the Covenant dated \_\_\_\_\_, 20 \_\_\_\_, and recorded in Plymouth District Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, (or registered in Plymouth 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 \_\_\_\_\_, (or registered 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 Hingham Planning Board: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

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

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

## HINGHAM PLANNING BOARD

### Preconstruction Checklist

Subdivision Name: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Road Contractor: \_\_\_\_\_

Name of Street: \_\_\_\_\_ From Station: \_\_\_\_\_ To Station: \_\_\_\_\_

\_\_\_\_\_ (1) An affidavit certifying that the Applicant is the owner of record of all of the property shown on the endorsed definitive plan or documentation signed by the owner(s) of record that the Applicant has authorization to act on all matters pertaining to the construction of the development.

\_\_\_\_\_ (2) An affidavit certifying that the Applicant has reviewed all of the conditions of subdivision approval and has taken all of the required steps to satisfy the conditions.

\_\_\_\_\_ (3) An affidavit certifying that all required federal, state and local permits have been obtained and providing a list, with the dates of issuance of each permit and the permit identification number.

\_\_\_\_\_ (4) A letter identifying the persons or entities responsible for completion of any portion of the project including the name, address, telephone number and e-mail address of each such person or entity.

\_\_\_\_\_ (5) A letter that identifies (name, business address, telephone and facsimile numbers and e-mail) for the following:

- \*The official representative of the Applicant and owners.
- \*The engineering and surveying firm to be used during construction.
- \*The general contractor.
- \*The soils testing firm to be used during construction.

\_\_\_\_\_ (6) Shop drawings and/or catalog cuts of all structures/materials to be used to construct the approved definitive subdivision. All catalog cuts shall be hi-lighted as to product submitted for approval.

\_\_\_\_\_ (7) Certification by a Land Surveyor that the site control data including benchmarks, limits of work and horizontal control has been properly staked.

\_\_\_\_\_ (8) The location of the disposal site for all solid waste and surplus material must be supplied and approved.

\_\_\_\_\_ (9) Any changes to previously submitted information contained above must receive approval of the Planning Board.

\_\_\_\_\_ (10) Preconstruction Meeting. At least 48 hours prior to the beginning of construction, the Applicant shall arrange and participate in a pre-construction meeting with the Planning Board's Engineer to review all construction requirements.

**HINGHAM PLANNING BOARD**

**R1 - Report of Inspection for Construction of Required Improvements**

Subdivision Name: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Road Contractor: \_\_\_\_\_

Name of Street: \_\_\_\_\_ From Station: \_\_\_\_\_ To Station: \_\_\_\_\_

Engineer's signature on each line is a certification of compliance with the Definitive Plan and Subdivision Rules and Regulations.

#	Date	Inspection	Engineer's Signature
1		Clearing, Grubbing and Excavation	
2		Drainage Outfall Permanently Set	
3		Total Drainage System and Municipal Services	
4		Compacted Fill	
5		First Foundation Layer	
6		Second Foundation Layer	
7		Bituminous Concrete Base Course	
8		Bituminous Concrete Base Class I Surface Course	
9		Sidewalks, Curbing, Monuments, Grass, Etc.	
10		Final Inspection, Clean-up, Etc.	

The Following Tests were Performed (Report Attached Hereto):

Date of Test          Type of Test          Signature Certifying Acceptance of Results

**HINGHAM PLANNING BOARD**

**R2 - Certificate of Construction and Performance**

Subdivision Name: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Street: \_\_\_\_\_

(The engineer responsible for inspecting the work will make one of the two alternative certifications below, with appropriate entries and deletions, upon completion of all required inspections and re-inspections):

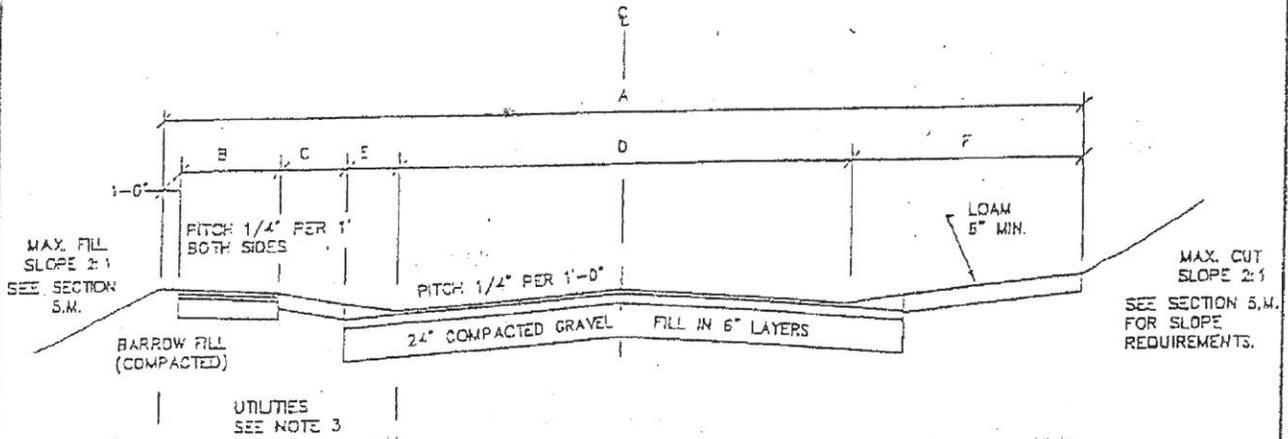
I, \_\_\_\_\_, certify that the Subdivision described above has (has not) been constructed in conformance with the Definitive Plan and all amendments, and the Rules and Regulations of the Planning Board (and that the ways, utilities, drainage and municipal services have been installed to line and grade as shown in the Definitive Plan so that a waiver of "as-built" plans is recommended).

Professional Engineer's Stamp      Date \_\_\_\_\_      Signature \_\_\_\_\_

I, \_\_\_\_\_, certify that with the exception of minor changes shown on the attached plans, the line and grade of ways, utilities, drainage and municipal services is as shown on the Definitive Plan, so that, with the attached drawings, a complete record is available and "as-built" drawings may be waived.

Professional Engineer's Stamp      Date \_\_\_\_\_      Signature \_\_\_\_\_

FIGURE 1  
TYPICAL ROAD CROSS SECTION

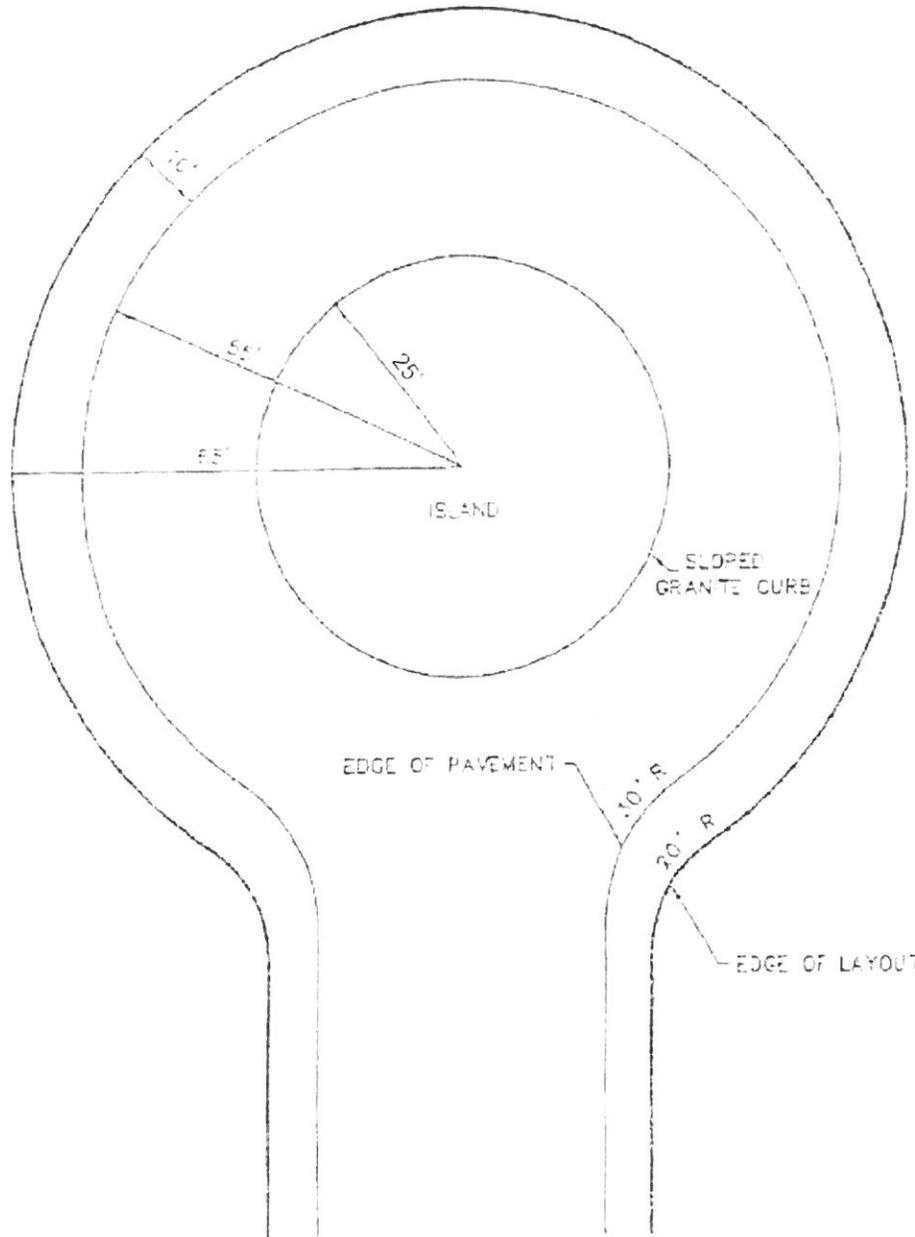


TYPE OF STREET	RIGHT OF WAY A	SIDEWALK B	GRASS STRIP C	ROADWAY PAVEMENT D	BERM E	F
MAJOR	70'	5' EACH SIDE	7'	40'	24"	15'
SECONDARY	55'	5' ONE SIDE	5.5'	28'	24"	13.5'
MINOR	46'	5' ONE SIDE	4.5'	22'	18"	12'
LIMITED RESIDENTIAL	40'	NOT REQUIRED	8.5'	18'	18"	11'

NOTES:

1. ALL LEDGE AND BOULDERS ABOVE SUBGRADE TO BE REMOVED.
2. SLEEVE FOR HOUSE UTILITY CONNECTIONS SHALL BE LOCATED AS DIRECTED BY BOARD.
3. ALL UTILITIES EXCEPT SEWERS SHALL BE PLACED OUTSIDE THE ROADWAY PAVEMENT WHERE, IN THE OPINION OF THE BOARD, IT IS POSSIBLE TO DO SO.
4. UTILITY POLES AND HYDRANTS TO BE LOCATED IN GRASS STRIPS.
5. ELECTRIC HANDHOLES TO BE LOCATED IN MIDDLE OF SIDEWALK (WHERE APPLICABLE). TRANSFORMERS AND JUNCTION BOXES TO BE LOCATED OUTSIDE THE RIGHT OF WAY IN EASEMENTS. FIRE ALARM BOXES TO BE LOCATED IN GRASS STRIPS OR IN EASEMENTS OUTSIDE THE RIGHT OF WAY.
6. SEE SECTION 4.B.(3)(e) FOR REQUIREMENTS FOR SUPERELEVATION.
7. SEE SECTION 5.H. AND I. FOR PAVEMENT SURFACE REQUIREMENT.
8. SEE FIGURE 4 FOR GUARDRAIL DETAIL.

FIGURE 2  
TURNAROUND AND ISLAND PLAN  
(MINIMUM REQUIREMENTS)



**FIGURE 3**  
**EXAMPLE STORMWATER FLOW CHART**  
 NOT TO SCALE

**LEGEND**

$Q_{10}$ : Flow for 10-yr storm event  
 $T_c$ : Time of concentration  
 $V_{10}$ : Velocity in pipe for 10-yr storm event  
 GW: Groundwater  
 $l_{10}$ : Head loss in pipe due to friction for a 10-yr storm event  
**CAPACITY**<sub>10</sub>: Storage volume in pond for a 10-yr storm event  
**BVW**: Bordering vegetated wetlands

**PIPE DATA**

MATERIAL =  
 CLASS =  
 SIZE =  
 LENGTH =  
 SLOPE =  
 $V_{10}$  =  
 $Q_{10}$  =  
 $l_{10}$  =  
 MIN. COVER =  
 $V_{75}$  =  
 $Q_{75}$  =  
 $l_{75}$  =  
 \* REQUIRED FOR CULVERTS

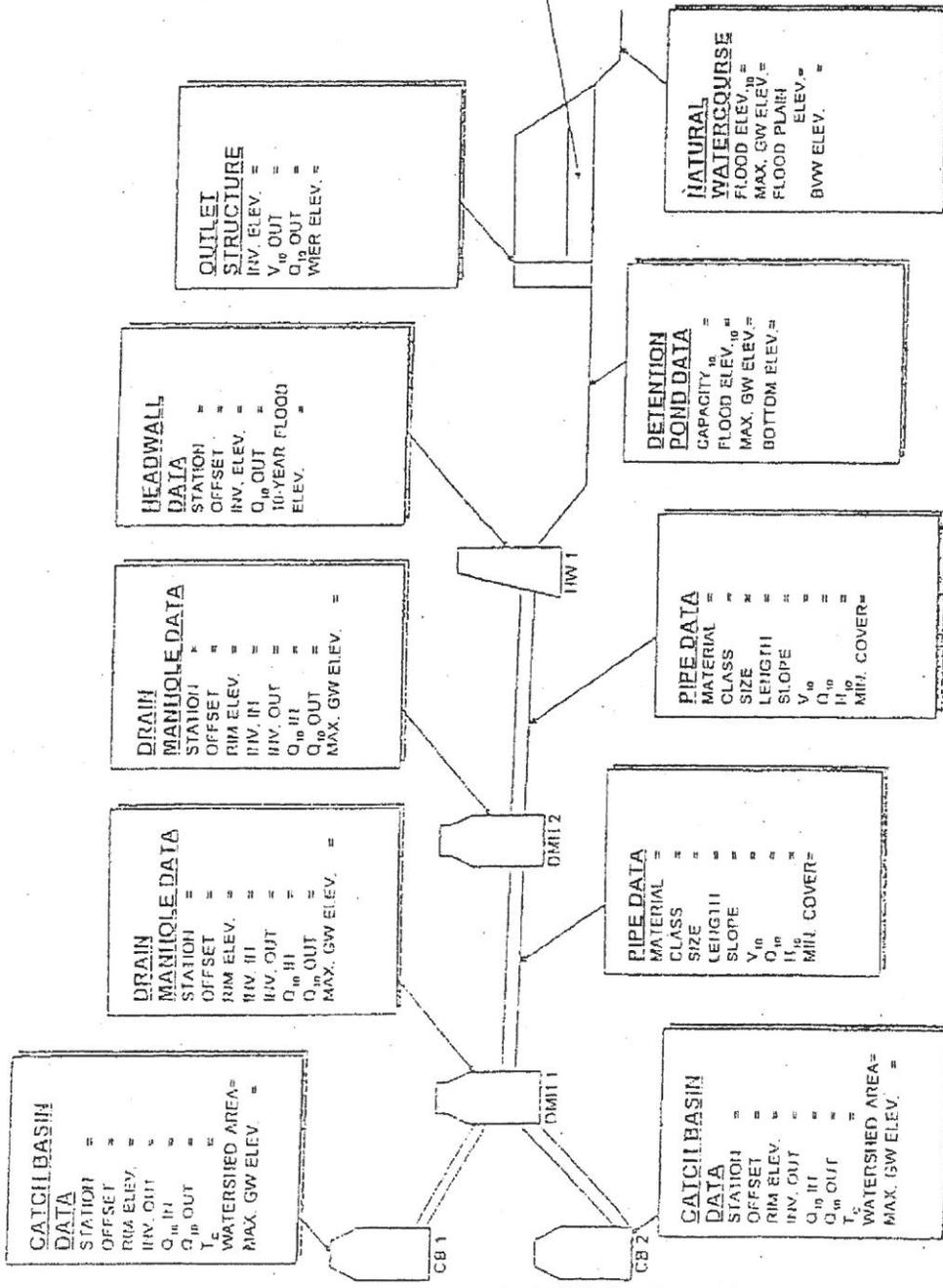
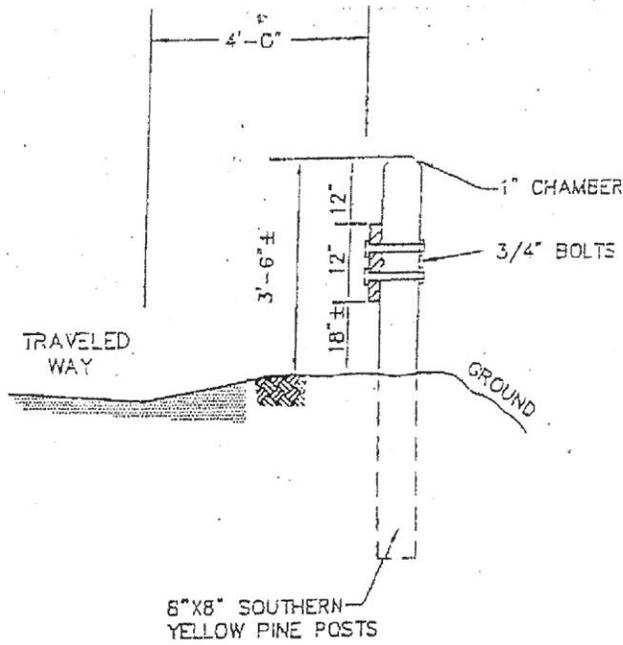
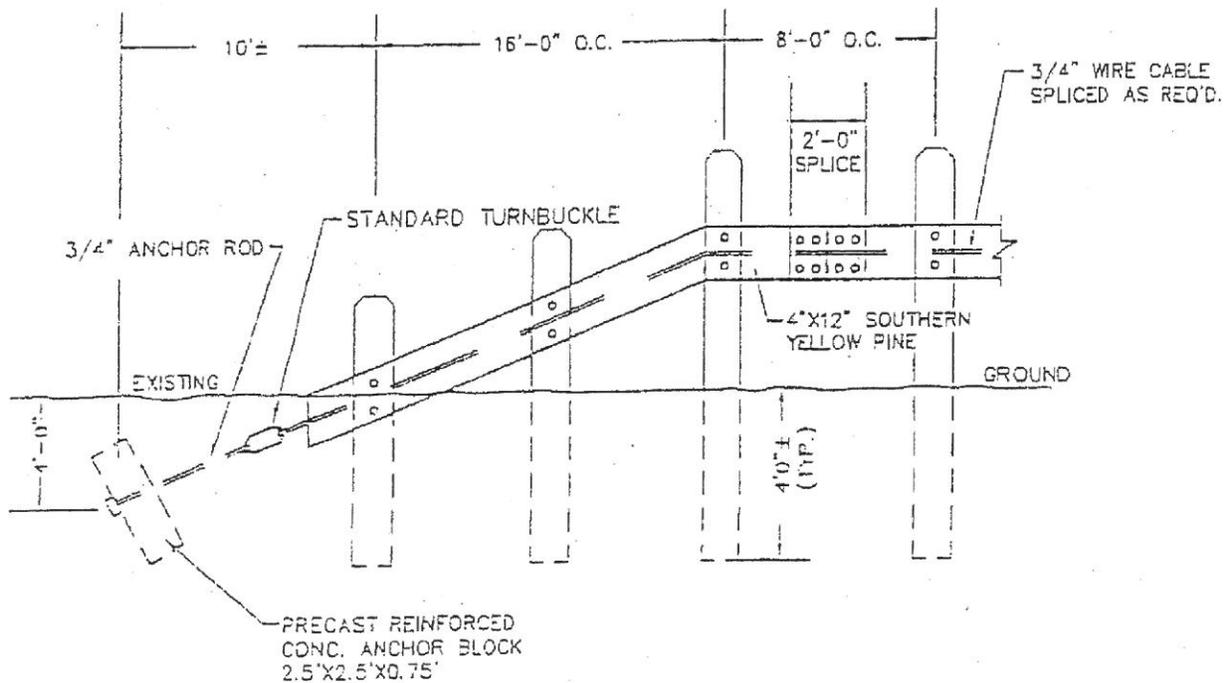


FIGURE 4  
WOODEN GUARDRAIL  
NOT TO SCALE



- NOTES: 1. ALL WOOD TO BE PRESSURE TREATED CONFORMING TO AASHTO M135 AND APPLICABLE EPA OR DEDE REGULATIONS.
2. ALL HARDWARE TO BE GALVANIZED



## APPENDIX D

# FIRE APPARATUS ACCESS ROADS

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION D101 GENERAL

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

### SECTION D102 REQUIRED ACCESS

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

### SECTION D103 MINIMUM SPECIFICATIONS

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

**D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade.

**Exception:** Grades steeper than 10 percent as *approved* by the fire chief.

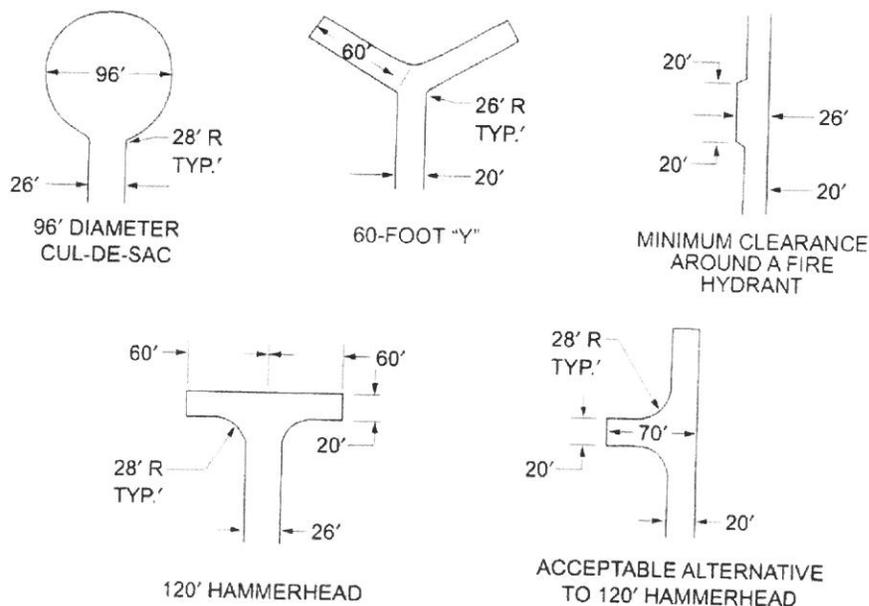
**D103.3 Turning radius.** The minimum turning radius shall be determined by the *fire code official*.

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4  
REQUIREMENTS FOR DEAD-END  
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved* by the *fire code official*.
6. Methods of locking shall be submitted for approval by the *fire code official*.
7. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**D103.6 Signs.** Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

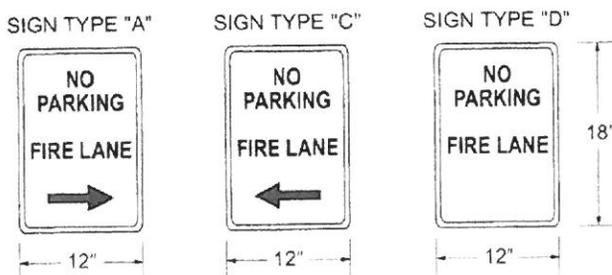


FIGURE D103.6  
FIRE LANE SIGNS

**D103.6.1 Roads 20 to 26 feet in width.** Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

**D103.6.2 Roads more than 26 feet in width.** Fire lane signs as specified in Section D103.6 shall be posted on one

side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

## SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

**D104.1 Buildings exceeding three stories or 30 feet in height.** Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

**D104.2 Buildings exceeding 62,000 square feet in area.** Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and *approved* fire apparatus access roads.

**Exception:** Projects having a gross *building area* of up to 124,000 square feet (11 520 m<sup>2</sup>) that have a single *approved* fire apparatus access road when all buildings are equipped throughout with *approved automatic sprinkler systems*.

**D104.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

## SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

**D105.1 Where required.** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

**D105.3 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.

**D105.4 Obstructions.** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

### SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

**D106.1 Projects having more than 100 dwelling units.** Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

**Exception:** Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

**D106.2 Projects having more than 200 dwelling units.** Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

**D106.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

### SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

**D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

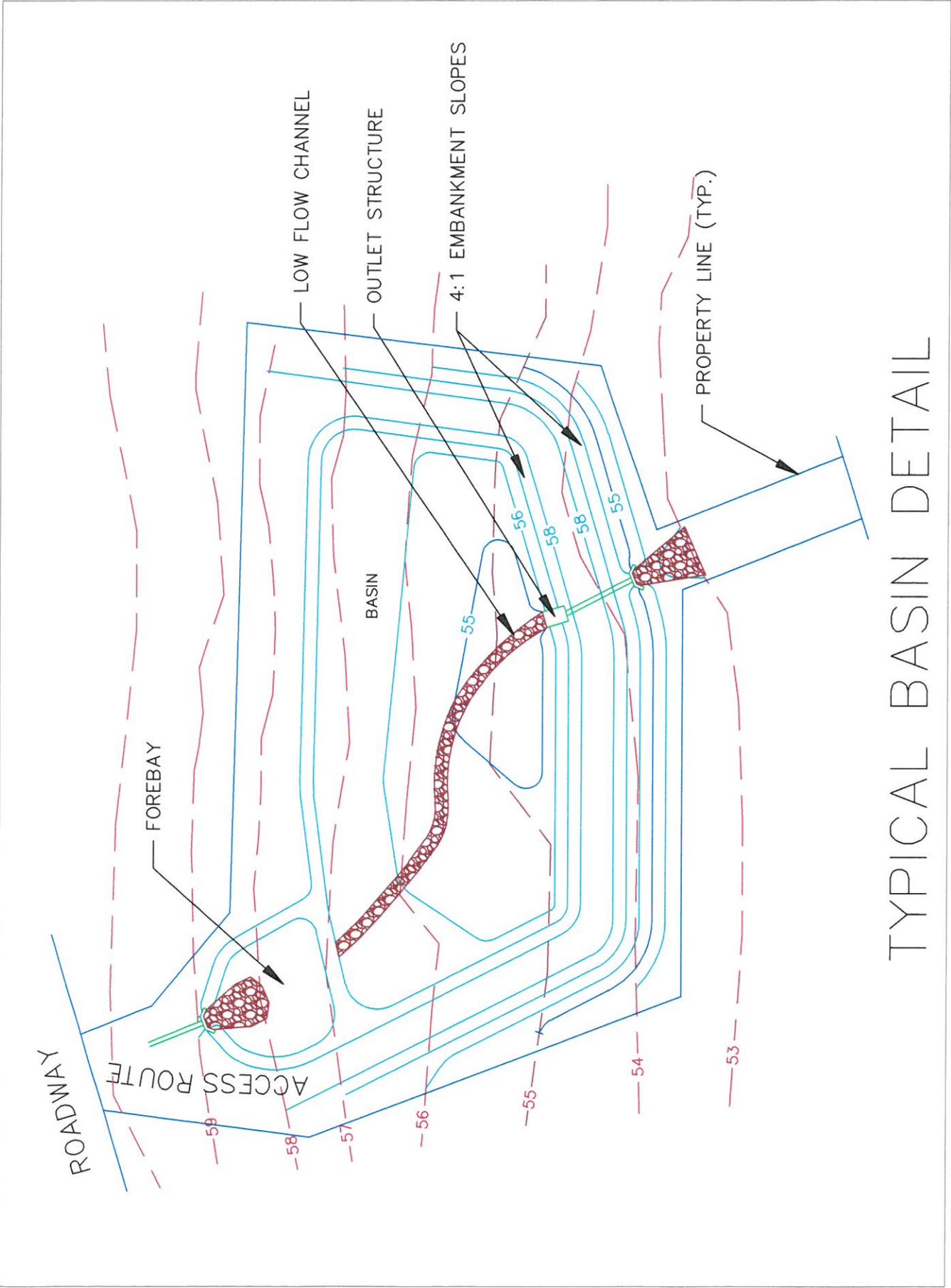
**Exceptions:**

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

**D107.2 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

### SECTION D108 REFERENCED STANDARDS

ASTM	F 2200—13	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC—15	International Fire Code	D101.1, D107.1
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through June 2013	D103.5



TYPICAL BASIN DETAIL