

# TOWN OF HARWICH PLANNING DEPARTMENT



## PLANNING BOARD FORM B-2

### AGREEMENT AND COVENANT

Date: 2.14.17

KNOW ALL PEOPLE by these present that the undersigned has submitted an application dated October 21, 2016 to the Harwich Planning Board for approval of a definitive plan of a subdivision of land entitled "**Definitive Subdivision Shelley Path**", 62 Main Street Extension Harwich, Massachusetts, Lotting Plan, Sheet 3 of 4, dated 04-05-16, last revised 11-14-16, prepared by Cyprus Design, Inc. showing four (4) proposed lots for land located at **0 Main Street Extension**, Assessor's Map(s) and Parcel(s) **55 / F1**, prepared for and owned by the **Robert W. and Patricia N. Shelley**, address 62 main Street Extension, Harwich, MA 02645. The undersigned has requested that the Planning Board approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Harwich in the county of Barnstable, Massachusetts, approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees to the following:

1. The undersigned is the owner of record of the premises.
2. This covenant shall run with the land and be binding upon the undersigned and the executor, administrators, heirs and assigns of the undersigned and their successors in title to the premises shown on said plan.
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Board as modified and amended by the plans and profiles submitted by the undersigned and approved by the said Board on the 29th day of November 2016, and by the agreement made by the covenantor dated 17<sup>th</sup> day of January, 2017 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 mortgage premises or part thereof may sell any such lot, subject to that portion of this covenant which provided that no lot shall be built upon until such ways and services have been provided to serve such lot.

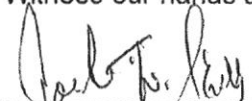
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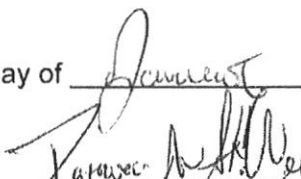
4. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, or either the entire parcel or land shown on said subdivision plan or of all lots not previously released by the Planning Board.
5. This covenant shall take effect upon endorsement of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.

The following are further agreements and/or conditions of approval:

1. Board of Health conditions shall be inscribed on the Lotting Plan Sheet 3 of 4, or such document of conditions shall be referred to on the plan as specified in M.G.L c41, 81U.
2. "Stormwater BMP Operation/Maintenance Manual has proposed an aggressive maintenance schedule which should be strictly adhered to by the Homeowners Association." shall be noted on the Lotting Plan, sheet 3 of 4.
3. A water main and hydrant per the Harwich Water Department must be shown and labeled on the Site Plan, sheet 4 of 4.
4. The entire proposed grade profile must be shown on the Site Plan, sheet 4 of 4.
5. The drainage calculations and storm water reports must be stamped by a Registered Professional Civil Engineer.
6. The road shall be known as Shelley Path and shall be owned and maintained by the Homeowners Association.
7. A standard Planning Board Agreement and Covenant shall be fully executed and recorded at the Barnstable County Registry of Deeds.
8. The "Stormwater BMP Operations & Maintenance Manual" [of the Homeowners Association] shall include specific language addressing reporting requirements for drainage component failure as it affects Old Main Street and that such reporting of said failure shall require the Owner and or Homeowners Association to return to the Planning Board Agenda for the purpose of correcting said drainage / catch basin component to the approved plan.
9. Pursuant to MGL c.41, §81-U and Chapter 400 of the Code of the Town Harwich a standard Planning Board Agreement and Covenant shall be fully executed and recorded at the Barnstable County Registry of Deeds and a copy submitted to the Planning Department.

Witness our hands and seals this 17<sup>th</sup> day of December, 2017

  
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 Signature of Owner(s)

  
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 Signature of Owner(s)