

TOWN OF HARWICH PLANNING DEPARTMENT

**PLANNING BOARD APPLICATION
COVENANT RELEASE REQUEST FORM B-4**



TO THE TOWN CLERK, HARWICH, MA

DATE 7/28/23

Applicant Name(s)	Susan Ladue, Regulatory Specialist	RECEIVED TOWN CLERK HARWICH, MA 2023 JUL 28 P 12:38
Organization	Eastward Companies	
Street/PO Box	155 Crowell Road	
Town, ST, Zip	Chatham, MA 02633	
Phone	508-326-3684	
Fax	N/A	
E-mail	sladue@eastwardco.com	

The applicant is one of the following: *(please check appropriate box)*

- Owner
 Tenant*
 Prospective Buyer*
 Representative for Owner/Tenant/Buyer
 Other* _____

***Written permission of the owner(s) and municipal lien certificate is required.**

Please release from covenant the lots requested as follows:

Original Planning Board Case #	PB2023-06 PB Decision Book 35840, Page 148	
Covenant #	Book 35840, Page 151	
Lot #'s being requested for release	Lots 1 and 2 (Lot 3 to remain in covenant) Dorset Drive	
Is this a request for full release or partial?	Partial	Plan Book 700, Page 73
Please attach:	<ul style="list-style-type: none"> ➤ As-built Plan stamped by Professional Engineer ➤ Completed Road Inspection Form ➤ Estimate for unfinished work (if partial request) ➤ All other forms and information as required in the Rules and Regulations shall be submitted as part of this application. 	

Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.

Susan B. Ladue

Applicant

For Eastward Companies/Eastward MBT LLC Trustee Eastward Homes Business Trust

Owner(s) – Authorization must accompany application if the owner is not the applicant.

EASTWARD COMPANIES

July 28, 2023

Harwich Planning Board
Town Hall
732 Main Street
Harwich, MA 02645

RE: Dorset Drive - Partial Release Request (Lots 1 and 2)

Dear Members of the Board:

Eastward MBT LLC, Trustee of Eastward Companies Business Trust, is requesting a partial release of the Planning Board Covenant (Lots 1 and 2) to be scheduled for your next available meeting. Lot 3 will remain in the covenant.

We are submitting two (2) copies of the following required items for your review:

1. Planning Board Application – Covenant Release Request
2. Filing Fee Check - \$265.00
3. Road Construction Estimate – 7/27/23
4. Phase I - Road Inspection Report prepared by David Clark, P.E.
5. MLC has been requested and will be submitted as soon as it's available

The attached Road Construction Estimate outlines the work completed to date and remaining work to be done. We estimate that the remaining work will total \$197,000.00 to complete. The value of Lot 3, remaining in the covenant, will far exceed the cost of the remaining road work.

We appreciate your consideration of our request. If you should have any questions or need additional information for your review, please do not hesitate to contact me.

Sincerely,



Susan B. Ladue
Regulatory Specialist

155 CROWELL ROAD, CHATHAM, MA 02633 508-945-2300

700-73

700-73

OFFICIAL OFFICIAL

ITEM	Area	Area	Area	Area
Lot Area	41,000 S.F.	41,000 S.F.	41,000 S.F.	41,000 S.F.
Front Setback	25 FT.	25 FT.	25 FT.	25 FT.
Side Setback	10 FT.	10 FT.	10 FT.	10 FT.
Lot Coverage	10%	10%	10%	10%
Building Coverage	20%	20%	20%	20%
Height Factor	2.5	2.5	2.5	2.5



Assessor's Map 88 Parcels 81, 82, 83 & 84

OWNERS OF RECORD:

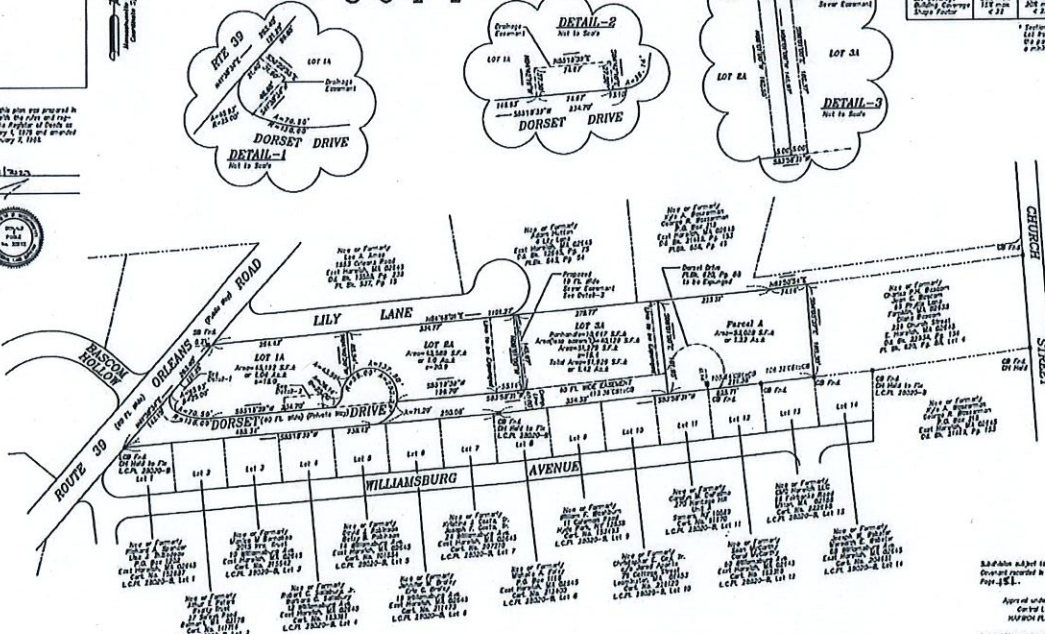
Don W. Brown
18 Chesapeake Avenue
Salem, NJ 08072
Deed Book 21745, Page 111
Plan Book 425, Page 23
Lot 1

John A. York
18 Chesapeake Avenue
Salem, NJ 08072
Deed Book 21745, Page 111
Plan Book 425, Page 23
Lot 1

John Brown
222 Church Street
Horseshoe, NJ 08055
Deed Book 21745, Page 111
Plan Book 425, Page 23
Lot 1

I certify that this plan was prepared in accordance with the rules and regulations of the Register of Deeds on or about January 1, 1978 and amended January 1, 1981.

City of Salisbury
PLS



NOTES:

1. Part of 4 lots are required for use as a 200 ft. x 100 ft. parking lot. The parking lot has been reserved and recorded of the above and an easement of record was recorded during the filing of this plan after such record and recording of this plan.

City of Salisbury
C. J. [Signature]



Board of Health Approved 02-27-73

PURPOSE BOARD OF HEALTH FEELINGS:

- The property meets approval to the above as shown on this plan.
- Projections must be served by town police.
- All previous conditions must remain in effect.

A board of health findings has been recorded in the Salisbury County Register of Deeds, Deed Book 21745, Page 111.

- REQUIREMENTS FOR PLANNING BOARD:**
- Grading Calculations
 - Final Cross-Section
 - Final Cross-Section
- PLANNING BOARD COMMENTS:**
- 20' Side Setback
 - 25' Front Setback from 10' Ft. Side Street
 - 20' Side Setback
- MODIFICATION SUBDIVISION PLAN PER ALIENS:**
- Plan No. 73
 - 25' Front Setback from 10' Ft. Side Street
 - 20' Side Setback

Submittal subject to Planning Board
Page 10-11

Approved under the Subdivision Control Act Chapter 140-10
N.J.A.C. 17:27

Date of Modification Application 02-27-73
Date of Modification Approval 02-27-73

City of Salisbury
C. J. [Signature]

City of Salisbury
C. J. [Signature]

City of Salisbury
C. J. [Signature]

City of Salisbury
C. J. [Signature]

MODIFICATION SUBDIVISION PLAN
2.610 Court Dr. & 221 Church St. East Windsor, NJ

Prepared For
EASTWARD HOMES BUSINESS TRUST
Applicant

CLARK ENGINEERING LLC
150 Cross Road Suite B, Oakton, VA 22124
Tel: (703) 948-9424; Fax: (703) 948-9428

OUTERMOST LAND SURVEY, INC.
18 Main Street, Brewster, MA 02602
Tel: (508) 255-0177

Rev.	Description of Revision	Date
1	Initial Submittal	02-27-73
2	Per Board of Health	02-27-73
3	Final Board of Health	02-27-73

Scale: 1" = 40'

Sheet No. 010-0224

**CLARK
ENGINEERING LLC**

156 Crowell Road, Suite B
Chatham, MA 02633

David A. Clark, P.E.

Wendy M. Jones

Phone: (508) 945-5454

Fax: (508) 945-5458

July 12, 2023

Town of Harwich
Planning Board
732 Main Street
Harwich, MA 02645

Re: Road Construction, Dorset Drive
Phase I Inspection: Clearing and Grubbing

Dear Board Members:

Road construction has started on Dorset Drive. To date, clearing, grubbing and excavation to the subbase elevation have been completed in accordance with the approved plans and as shown in the attached pictures taken on July 12, 2023.

Construction is now proceeding to Phase II: Utilities and Drainage.

The first utility to be installed will be the municipal water extension. Barrows Excavating will be coordinating construction and inspection directly with the Harwich Water Department.

Upon completion of the water main extension, work shall proceed with the installation of the municipal sewer main. Barrows Excavating will be coordinating construction and inspection directly with the Superintendent of the Harwich Sewer Department.

Should you have any questions please contact me.

Sincerely yours,

Clark Engineering LLC



David A. Clark, P.E.

DAC/slh
enclosures

copy: Eastward Companies



TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD



OFFICIAL OFFICIAL
COPY COPY
AGREEMENT AND COVENANT

NOT NOT
KNOW ALL PEOPLE by these presents that in Case No. PB 2023-06 the Harwich Planning Board approved a modification subdivision plan for "Dorset Drive," entitled "Modification Subdivision Plan", dated April 6, 2023 and prepared by Clark Engineering, LLC and Outermost Land Survey, Inc. ("Plan"), as recorded in Plan Book 180, Page 73;

The premises is currently addressed as 2, 6, and 10 Dorset Drive, Harwich, MA 02645 (Assessors Map 98, Parcels B1, B2, and B3);

For title, see Lot 1 David W.L. Bascom & Laura Bascom Deed Book 23743, Page 190, Lot 2 Kimberly J. Veach Deed Book 27642, Page 111, and Lot 3 Diane Bascom Deed Book 34211, Page 296; Plan Book 620 Page 88;

DONALD L. ROYANT

The undersigned, Eastward MBT, LLC, Trustee, William Marsh, Manager, 155 Crowell Road, Chatham, MA 02633, Eastward Homes Business Trust, has proposed to secure the construction of ways, the installation of municipal services, utilities and other infrastructure and the provision of other facilities to serve the subdivision by a covenant, executed and duly-recorded, running with the land.

NOW THEREFORE IN CONSIDERATION of the Planning Board endorsing said approved Plan, the undersigned hereby covenants and agrees with the Board as follows:

1. This Agreement and Covenant ("Covenant") shall run with Lots 1A, 2A, and 3A shown on said Plan and shall be binding upon the undersigned, its executors, administrators, heirs, successors and assigns. Parcel A is not considered a separate building lot, will be used in combination with the commonly owned abutting property to the east, and is excluded from this Agreement and Covenant.
2. This Covenant shall secure the construction of Dorset Drive and the installation of municipal services, utilities, drainage facilities, and other infrastructure to serve the subdivision, consistent with and pursuant to the terms and conditions of the Board's Certificate of Approval/Decision dated May 3, 2023, a copy of which is recorded herewith.
3. The subdivision way, Dorset Drive, shall be constructed and the subdivision facilities and services shall be provided for any above-referenced lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot; and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
4. Reference to this Covenant shall be entered upon said Plan and this Covenant shall be recorded at the Barnstable Registry of Deeds as and when said Plan is recorded. Copies of the recorded Covenant, Plan, and Certificate of Approval/ Decision shall be returned to the Planning Board.
5. Pursuant to Harwich Code Chapter 400, Article II, the Board may, upon request and from time to time, substitute types of security used as a performance guarantee.

6. No individual lot or lots shall be conveyed or built upon until released from Covenant or other security. N O T N O T
7. The Applicant shall meet the requirements of Harwich Code Section 400-11(E)-(G) for the subdivision, including the inspection and as-built plan requirements therein, prior to, as the case may be, full or partial release of the Covenant or other security.
8. The subdivision work shall be performed and completed pursuant to and consistent with the plans and documents referenced in the application materials set out above and the specifications set out in Harwich Code Section 400-15.
9. The subdivision shall be served by and connected to municipal water service. A N A L
10. All utilities within the subdivision shall be located underground.
11. The Applicant shall grant or reserve for itself, its heirs, and successors and assigns drainage easements over those areas depicted on the modification subdivision plan as 'drainage easement' as and when said Lots are conveyed. The grant or reservation and recording of the easement shall be subject to and secured by the Covenant.
12. The Applicant shall grant or reserve a 10' wide easement over the shared lot line of Lots 2A and 3A depicted on the modification subdivision plan as 'sewer easement' for the benefit of lots on Lily Lane when the municipal sewer is installed.
13. This Covenant shall take effect upon endorsement of said Plan by the Planning Board.
14. The Planning Board granted the following requested waivers of its Rules & Regulations:
 - A. Waiver of Appendix 4B, Subdivision Filing and Plan Requirements, General Requirements, #8, requiring a full-size plan scale of not smaller than 1-inch equals 40 feet horizontal, to allow for a plan scale at 1" = 80'.
 - B. Waiver of Table 1, Recommended Geometric Design Standard for Roadways, Design Element, Roadway Layout, Minimum Roadway Width – not including berms for ways – required pavement width of 20', to allow for a pavement width of 14'.
15. The Board of Health conditions of their 3/21/23 approval are noted on Modification Subdivision Plan, Sheet 1.

Signature page follows

NOT AN OFFICIAL COPY Witness our hands and seals this 14th day of ~~June~~ July, 2023. NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY Eastward Homes Business Trust, By: NOT AN OFFICIAL COPY

Donald L. Poyant
Eastward MBT LLC Trustee
DONALD L. POYANT, Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this 14th day of June, 2023, before me, the undersigned Notary Public, personally appeared Donald Poyant, proved to me through satisfactory evidence of identification, which was MA driving license, 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 Manager of Eastward MBT, LLC the Trustee of the Eastward Homes Business Trust.



SIMONA PEREZ
Notary Public
Commonwealth of Massachusetts
My Commission Expires
June 8, 2029

SP

Notary Public
My Commission Expires June 8, 2029

Accepted, Harwich Planning Board,
By:

[Signature]
Duncan Berry, Chair

13 June 2023
Date

EASTWARD COMPANIES

October 12, 2023

Harwich Planning Board
Town Hall
732 Main Street
Harwich, MA 02645

**RE: Dorset Drive – East Harwich
Release of Lots – Revised Information**

Dear Members of the Board:

Eastward MBT LLC, Trustee of Eastward Homes Business Trust, is submitting the attached revised information for the release of lots' discussion for Dorset Drive on Tuesday, October 24, 2023:

1. 10/6/23 Phase 2 Road Construction Inspection Report prepared by David Clark, P.E.
2. 10/12/23 Road Construction Estimate prepared by Eastward Companies

The hardener/gravel road base will be installed the week of 10/16/23, so the amount of work remaining will be reduced from what is shown on the road construction estimate prepared today.

If you should have any questions or need additional information, please do not hesitate to contact me. We appreciate your attention to our request.

Sincerely,



Susan B. Ladue
Regulatory Specialist

155 CROWELL ROAD, CHATHAM, MA 02633 508-945-2300

**CLARK
ENGINEERING LLC**

156 Crowell Road, Suite B
Chatham, MA 02633

David A. Clark, P.E.

Wendy M. Jones

Phone: (508) 945-5454

Fax: (508) 945-5458

October 6, 2023

Town of Harwich
Planning Board
732 Main Street
Harwich, MA 02645

Re: Road Construction, Dorset Drive
Phase 2 Inspection: Inspection of Stormwater Controls

Dear Board Members:

On August 30, 2023, I completed the Phase 2 inspection of the Dorset Drive road construction.

At the time of inspection, the following road improvements have been installed:

- Stormwater Controls (Drainage Structures)
- Municipal Water Main
- Municipal Sewer Main

The drainage components have been installed in substantial compliance with the Modification Plans on file with the Harwich Planning Board. Slight differences in the routing of the culverts will be shown on the final As Built Plan.

Separate certifications for the construction of the Municipal Sewer and Water Mains shall be submitted by the Harwich Department of Public Works.

Should you have any questions please contact me.

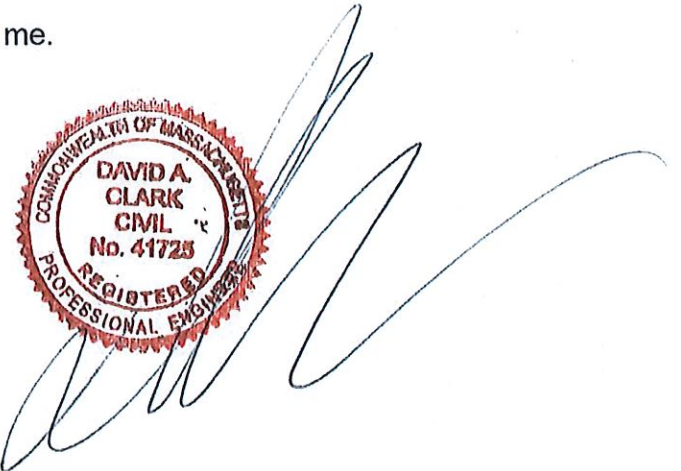
Sincerely yours,

Clark Engineering LLC

David A. Clark, P.E.

DAC/slh
enclosures

copy: Eastward Companies



A circular red seal for David A. Clark, a Registered Professional Engineer in the Commonwealth of Massachusetts. The seal contains the text: "COMMONWEALTH OF MASSACHUSETTS", "DAVID A. CLARK", "CIVIL", "No. 41725", "REGISTERED", and "PROFESSIONAL ENGINEER". The seal is partially overlaid by a large, stylized signature in blue ink.

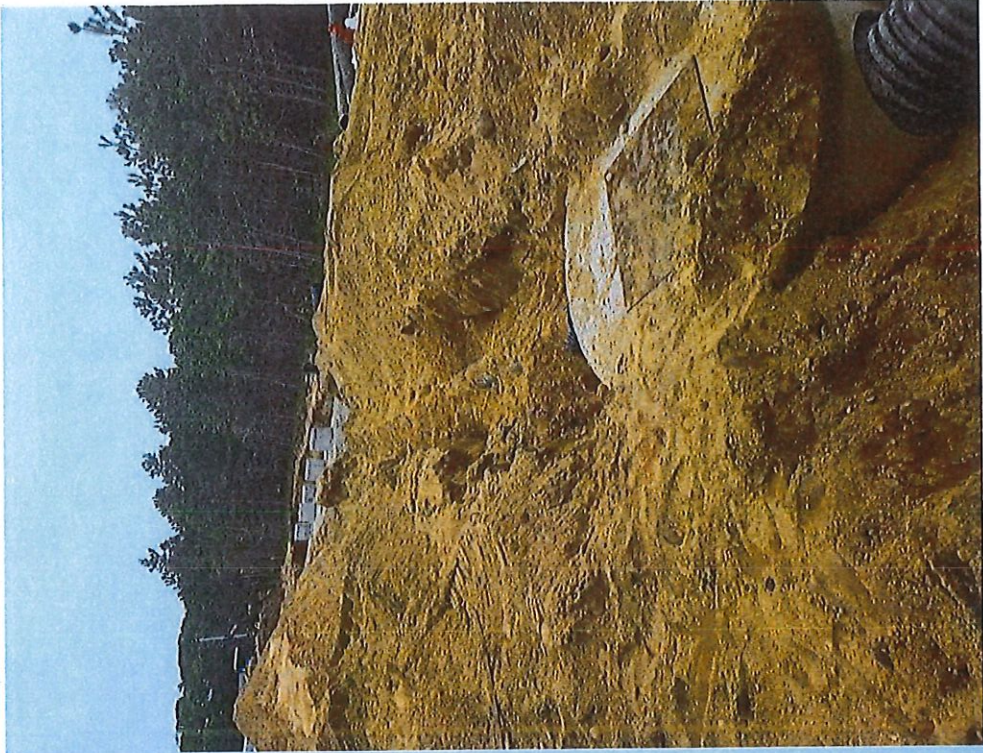
All pictures taken 08-30-2023



Drainage Area 1



Drainage Area 2



Drainage Area 2



Drainage Area 3

