

SUBDIVISION REGULATIONS

801 Attachment 2

<p>TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS</p> <p>FORM A</p> <p>APPLICATION FOR DETERMINATION THAT PLAN DOES NOT REQUIRE APPROVAL</p>

Date: ____/____/____

The undersigned owner(s) or authorized applicant(s) of the land shown on the accompanying plan request a determination and endorsement by the Barnstable Planning Board that approval under the Subdivision Control Law is not required.

Plan Title: _____

Plan Date: ____/____/____

Assessor's Map and Parcel Number: Map (s): _____ Parcel (s): _____

Zoning: _____ Area: _____ Number of Lots: _____

Drawn By: _____

Address: _____

Phone: (____) _____

The undersigned's title to said land is derived as follows:

PLEASE COMPLETE THE FOLLOWING

1. The proposed lots do ____ do not ____ meet the present Zoning Ord. lot size requirements, including lot shape factor requirements. (Check one).
2. The applicant believes that the plan does not require the Planning Board's approval because (please circle):
 - A. Each lot has the minimum required frontage required under the Zoning Ord. on _____ Street, which is:
 1. A public way, certified by the Town Clerk as maintained and used as a public way, or
 2. A way shown on a subdivision plan # _____ dated ____/____/____, and endorsed and installed in accordance with the Subdivision Rules and Regulations, or
 3. A private way which provides adequate access in accordance with § 801-12B of these Subdivision Rules and Regulations.
 - B. The division proposed is for conveyance purposes and does not reduce the lot frontage less than the minimum required in the Zoning Ordinance.
 - C. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings shown on the accompanying plan were standing prior to the date in which the Subdivision Control Law was implemented in the Town of Barnstable. The date the buildings were constructed and the use is as follows:

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Building #1 : ___/___/___ date _____ use _____

Building #2 : ___/___/___ date _____ use _____

Building #3 : ___/___/___ date _____ use _____

Other reasons: _____

4. Has a plan of this land been submitted to the Planning Board before? Yes ___ No ___ (check one). If yes please provide the date of the plan, date of recordation with the Registry of Deeds or of the date of filing with Land Court. date of plan: ___/___/___ date of recording: ___/___/___

5. Are there any wetlands within this tract of land? Yes ___ No ___ (check one).

6. The owner/applicant owns adjoining land ___ yes ___ no

_____/_____(_____)_____
Signature of Owner *Address* *Telephone*

Print Name of Owner

_____/_____(_____)_____
Signature of Owner *Address* *Telephone*

Print Name of Owner

_____/_____(_____)_____
Signature of Authorized Applicant *Address* *Telephone*

Print Name of Applicant

Applicant's Authorization:

This section is to be completed by the Registered Land Surveyor who prepared the plan or by the legal counsel representing the applicant:

I certify that no other conditions or limitations from prior plans apply to the plan of land submitted.

Company/Firm: _____
Address: _____
Telephone: (_____) _____ Date: ___/___/___
Certification: _____ Certification #: _____
Signature: _____

Received by Town Clerk:
Date: ___/___/___ Time: _____ Fee: _____

Signature: _____
Please make check payable to the Town of Barnstable.

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS

FORM A

APPROVAL NOT REQUIRED PLAN - SUBMISSION CHECKLIST

This form must be completed by the plan preparer, signed, dated and returned with the completed copy of Form A along with the appropriate fee. For the complete submission requirements see Article IV of the Rules and Regulations. Please check each item submitted:

- One Copy of the completed Form A, and Form A Checklist.
Filing Fee Paid \$
Copy of most recently recorded deed and copy of recent tax bill. Evidence of payment of taxes on all lots.
If the applicant is not the owner, a copy of authorization to apply signed by land owner(s).
Evidence of right of access over any private way that provides access and frontage.
Ten copies of the plan at a reduced scale of 1"=100" or other suitable scale for distribution.
GIS file (see Appendix A) and original mylar.
Original cloth tracing and eight (8) prints of the plan containing the following information:
Locus Map at a scale of 1" = 2,000'.
Underneath the locus map, the assessors map and parcel number(s), zoning district(s), zoning overlay district(s), and zoning area, frontage and dimensional requirements. North arrow.
Title block location and Fire District, owner, applicant, date scale and bar scale. Firm responsible and original seal on all copies with signature and date. Revisions with dates and descriptions..
Adjoining lots and owner(s). Frontage of any remaining adjoining land.
Location of existing buildings, including front, side and rear yard setbacks and street address.
Location and width of streets, ways and easements: legal status, name and pavement widths. Type of surface of way which gives frontage.
Location and area of wetlands on any buildable lot.
Lot sizes in sq. ft and/or acres; area of any remaining land; lot shape factor calculations on separate building lots.
Lots created for conveyancing purposes only, so noted.
Note: "No determination as to compliance with the Zoning Ordinance requirements has been made or intended by the above endorsement".

THE PLANNING BOARD MAY DENY INCOMPLETE APPLICAITONS

Signature of registered land surveyor or registered engineer: _____

Print name: _____

Company/Firm: _____ Address: _____

Telephone:(_____) _____ Date: ____/____/____ Certification: _____ Certification #: _____

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM B
APPLICATION FOR TENTATIVE APPROVAL OF PRELIMINARY PLAN

Date: _____
 Subdivision #: _____

To the Planning Board in the Town of Barnstable:

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

Plan Title: _____

Plan Date: _____ Assessor's Map and Parcel Number(s): _____
 Zoning: _____ Area: _____ Number of Lots: _____

Drawn By: _____
 Address: _____

Phone: (_____) _____

hereby submits such plan as a Preliminary Subdivision plan in accordance with the Rules and Regulations of the Barnstable Planning Board.

The undersigned's title to said land is derived as follows: _____

PLEASE COMPLETE THE FOLLOWING

1. Access to the development is proposed from the following street(s): _____

2. Have any of the proposed access roads been designated as Scenic Roads? ____ yes ____ no
 If yes, which one(s)? _____

3. The development will be served by:
- ____ Public Water Supply
 - ____ Private Wells
 - ____ Town Sewers
 - ____ On-Site Sewage Disposal Systems
 - ____ Package Sewage Treatment Facility

4. Is any part of the development within the following Groundwater Protection Overlay Districts of the Zoning Ordinance?
 GP ____ yes ____ no WP ____ yes ____ no

5. Are there:
 a. Any wetlands or inland water bodies on this site? ____ yes ____ no; approximate area: _____

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- b. Wetlands or inland waterbodies within 200 feet of the perimeter? yes no
- 6. Is any of the site within the FEMA 100 year flood plain: yes no
 Within the 100 - 500 year flood plain: yes no
 Within the 100 year Velocity Zone: yes no
- 7. Is the subdivision in a Historic District: yes no
- 8. Is the subdivision in a District of Critical Planning Concern as designated by the Cape Cod Commission:
 yes no
- 9. Is the subdivision located in an Area of Critical Environmental Concern: yes no
- 10. Is the subdivision located in a Critical Habitat as designated by the 1990 APCC publication "Cape Cod Critical Habitats":
 yes no
- 11. Will the subdivision conform to all the requirements of the Subdivision Rules and Regulations?
 yes no If "no", attach a list of waivers required.

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

<i>Signature of Owner</i>	Address	Telephone
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Print Name of Owner

<i>Signature of Owner</i>	Address	Telephone
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Print Name of Owner

<i>Signature of Authorized Applicant</i>	Address	Telephone
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Print Name of Applicant

Applicant's Authorization, if not the owner:

_____ (attach copy of written authorization)

Please make check payable to the Town of Barnstable

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM B
PRELIMINARY SUBDIVISION PLAN - SUBMISSION CHECKLIST

This form must be completed by the plan preparer, signed and dated and returned with a completed copy of Form B attached and the appropriate filing fee. No application shall be considered complete until all the required materials have been submitted. For the complete submission requirements, see full text of the Rules and Regulations.

PLEASE CHECK EACH ITEM:

- _____ One copy of the completed Form B and Form B Checklist.
- _____ Filing Fee \$_____.
- _____ A copy of the most recent recorded deed for each parcel.
- _____ If the applicant is not the owner, written authorization to act for the owner
- _____ A copy of the most recent tax bill for each parcel, and evidence that all taxes are paid.
- _____ A list of waivers that may be required.
- _____ Nine copies of the EA Form if required. (Submission is recommended at the Preliminary stage.)
- _____ 10 copies of the Preliminary Plan at a scale of 1"=100' or other suitable scale for distribution.
- _____ **Eight copies of the Preliminary Plan containing the following information:**
- _____ Subdivision name and number, north arrow, and the words "Preliminary Plan".
- _____ Key map at 1" = 2,000'.
- _____ Below the key map, the assessors map and parcel number(s), zoning district(s) and zoning overlay district(s), and zoning area, frontage and width requirements. Total area of the subdivision.
- _____ Title block with location, Fire District, names of record owner, applicant and plan preparer, date, scale, bar scale; plan revisions described, initialed and dated.
- _____ Subdivision boundaries, adjacent property lines and abutters.
- _____ Existing and proposed streets, ways, easements, public areas and width of paving. Legal status of ways.
- _____ Classification of streets
- _____ Top and toe of proposed slopes adjacent to roadways.
- _____ Sight distances.
- _____ Approximate lot sizes, lot numbers. Approximate area of wetlands on each parcel.
- _____ Drainage systems, existing and proposed.
- _____ Topography shown by contours. Use GIS information from town if survey information is unavailable.
- _____ Significant site features, including wetlands, waterbodies, flood zone boundaries, and kettle holes.
- _____ Existing building structures and stone walls.
- _____ Wetlands within 200 feet of perimeter of the proposed subdivision.
- _____ Slopes in excess of 10%.
- _____ Existing water mains, utilities and sewers adjoining property. Utility poles within and adjoining the subdivision.
- _____ Plan showing overall development of contiguous land if it is in the same ownership.
- _____ Application file with Board of Health
- _____ Notice filed with Town Clerk

THE PLANNING BOARD MAY DENY INCOMPLETE APPLICAITONS

Signature of registered land surveyor or registered engineer: _____

Company/Firm: _____ Address: _____

Telephone: _____ Date: _____ Certification: _____ Certification #: _____

SUBDIVISION REGULATIONS

**TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM C
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN**

Date: _____

Subdivision #: _____

To the Planning Board in the Town of Barnstable, the undersigned authorized applicant(s) or owner(s) of all the land shown on the accompanying Definitive Subdivision plan located and described as follows:

Plan Title: _____

Plan Date: _____ Assessor's Map and Parcel Number(s): _____

Zoning: _____ Area: _____ Number of Lots: _____

Drawn By: _____

Address: _____

Phone: _____ hereby submits such plan as a Definitive Subdivision plan in accordance with the Rules and Regulations of the Barnstable Planning Board.

The undersigned's title to said land is derived as follows: _____

PLEASE COMPLETE THE FOLLOWING

1. Access to the development is proposed from the following street(s): _____

2. Have any of the proposed access roads been designated as Scenic Roads? ____ yes ____ no
If yes, which one(s)? _____

3. The development will be served by:

- ____ Public Water Supply
- ____ Private Wells
- ____ Town Sewers
- ____ On-Site Sewage Disposal Systems
- ____ Package Sewage Treatment Facility

4. Is any part of the development within the following Zoning Groundwater Protection Overlay Districts?

GP zone ____ yes ____ no WP zone ____ yes ____ no

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5. Are there:

a. Any wetlands or inland water bodies on this site?

____ yes _____ total acreage ____ no

b. Wetlands or inland waterbodies within 200 feet of the perimeter of the subdivision?

____ yes ____ no

6. Is any part of the site within the FEMA 100 year flood plain?

____ yes ____ no

B flood plain?

____ yes ____ no

100 year Velocity Zone?

____ yes ____ no

7. Is the subdivision in an Historic District? ____ yes ____ no

8. In a District of Critical Planning Concern as designated by the Cape Cod Commission ____ yes ____ no

9. In a Location within a Critical Habitat as designated by the APCC 1990 publication "Cape Cod Critical Habitats Atlas"

____ yes ____ no

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

Signature of Owner Address Telephone

Print Name of Owner

Signature of Owner address Telephone

Print Name of Owner

Signature of Authorized Applicant Address Telephone

Print Name of Applicant

Applicant's Authorization:

____ File copy of notice with Town Clerk:

____ File Definitive Plan with Board of Health

Please make checks payable to the Town of Barnstable

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS

FORM C

DEFINITIVE SUBDIVISION PLAN - SUBMISSION CHECKLIST

This form must be completed by the plan preparer, signed and dated and returned with a completed copy of Form C attached and the appropriate filing fee. For the complete submission requirements see § 801-24 of the Subdivision Rules and Regulations.

PLEASE CHECK EACH ITEM:

- One copy of the completed Form C and Form C Checklist.
- Filing Fee paid \$_____.
- GIS file, see Appendix A.
- A list of all abutters, with addresses, from the most recent tax list.
- Copy of most recent recorded deed and tax bill unless submitted at Preliminary stage, and there is no change.
- Evidence of payment of taxes on all lots,
- For applicants who are not owners – a copy of the P and S, or written authorization from owner.
- Evidence of right of access over any private way providing frontage and access to lot(s).
- Will the subdivision conform to all the requirements of the Subdivision Rules and Regulations?
yes no If "no", attach a list of waivers required.
- List of any waivers from strict compliance to these Rules and Regulations.
- Location of soil test sites and data obtained from them.
- Boring logs and soil classifications from proposed manhole and catch basin sites.
- Calculations for the determination of waterway openings to justify culvert and drain sizes.
- Drainage calculations.
- Nine copies of the Environmental Analysis Report, when required, or request for waiver.
- Engineer's report outlining maintenance.
- Tree map (See § 801-15.)
- Report from the Cape Cod Commission, if any.
- Land Surveyor's and Engineer's original seal and signature on all plans including copies

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SHEET(S) A

Eight copies of the Definitive Plan Sheet A containing the following information:

- _____ Scale of 1" = 40', or other suitable scale, sheets not to exceed 24" by 36".
- _____ Subdivision name and number, north arrow, date, scale, legend, and the words "Definitive Plan".
- _____ Key map at 1" = 2,000'
- _____ Below the key map the assessor's map and parcel number(s), zoning district(s), zoning overlay district(s), and zoning area, frontage and width requirements.
- _____ Title block – Names of record owner, applicant and plan preparer, location and fire district, revisions described, dated and signed, date scale and bar scale and the words "Definitive Plan"
- _____ Subdivision boundaries, adjacent property lines and abutters.
- _____ Zoning District designations and lines, including any overlay districts.
- _____ Existing and proposed streets, ways, easements, public areas, and width of paving. Names of streets in pencil until approved by the Board's Engineer. Classification of streets as Major, Secondary, Minor A or B.
- _____ Sufficient data to determine readily the location, direction and length of every street and way line, easements, lot lines and boundary lines, and to establish these lines on the ground.
- _____ Location of all monuments, existing and proposed.
- _____ The location of any existing buildings and stone walls.
- _____ The location of wetlands, and surface water bodies.
- _____ Area of each lot in square feet and acres. Area of wetlands within each lot. .
- _____ Lot shape calculations noted on each lot.
- _____ Note: "Approval of this plan subject to compliance with covenant to be recorded herewith", or written description of other security to be submitted separately.
- _____ Space for the Board's signatures and Town Clerk's Certification of no appeal.
- _____ **10 copies of Sheet A at a reduced 100 scale, or other suitable scale for distribution.**

SHEET B

A separate reproducible copy of the plan showing:

- _____ Below the key map, the total number of linear feet, measured along the centerline, for each street proposed on the plan. Gross area of roads and cul-de-sacs in sq. ft. and acres.
- _____ Lot numbers.
- _____ Coordinates of all property corners, lot corners, street line changes in direction, tied in to Mass. Plane Coordinate System

SUBDIVISION REGULATIONS

SHEET C

A separate reproducible copy of the plan showing:

- _____ Location, name, legal status and width of right-of-way and paved surface of streets bounding, approaching, or within reasonable proximity of the subdivision.
- _____ Top and toe of proposed slopes adjacent to the proposed roadway
- _____ Slopes in excess of 10%, slopes with severe slope characteristics for building sites according to the Soil Conservation Service.
- _____ Road centerline stationing, referenced to the street plans and profiles 0 point for centerline station from intersection of centerlines.
- _____ Existing and proposed contours at two foot intervals, extending beyond boundaries of subdivision to indicate effect on abutting property. Two bench marks.
- _____ Sight distances, see § 801-13.
- _____ Drainage systems existing and proposed, delineation of watersheds; water to and from the site.
- _____ Erosion and sediment control plan including temporary drainage facilities.
- _____ Location of wetlands and surface waterbodies, within 200 feet of the subdivision boundary lines.
- _____ Existing water mains, utilities, sewers and utility poles within and adjoining the subdivision.

Separate plans and profiles of every street, showing the following data:

- _____ Horizontal scale of 1" = 40'. Vertical scale of 1" = 4'.
- _____ Existing centerline profile lines, lines of sidelines.
- _____ Finished design profile: elevations every 50 feet, 25 feet on vertical curves.
- _____ Elevations related to mean sea level, adjusted using Frimpter correction method.
- _____ Profiles and cross sections of drainage including swales, retention basins, catch basins, manholes and proposed invert and pipe sizes. The location of drainage easements and any surface water body or wetland, and the height of groundwater (adjusted – Frimpter).
- _____ Existing walks and driveways.
- _____ Rates of gradient shown by figures for roadways and drainage.
- _____ Location of existing and proposed gas, water, sewer, electric, telephone, cablevision and other utilities including utility poles. Any conflict between existing utilities and proposed construction.
- _____ Two bench marks for each street.
- _____ Cross sections of roadway at 50 foot intervals showing existing and proposed grades, top and toe of slopes, pavement thickness, width and gravel base. Utilities and proposed drainage..
- _____ Spot elevations on gutters, center lines of corner roundings at street intersections and cul-de-sacs.

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_____ Location and type of proposed traffic signs and markings, and street name signs.

SHEET D A sketch plan showing the approximate layout of streets of any remaining land owned by the applicant or purchaser of the land, unless a subdivision plan has been submitted to the Planning Board.

THE PLANNING BOARD MAY DENY INCOMPLETE APPLICAITONS

Registered Land Surveyor

Name (please print): _____

Address: _____

Phone: _(____)_____

Registration #: _____

Signature: _____

Professional Engineer

Name: (please print) _____

Address: _____

Phone: _(____)_____

Registration #: _____

Signature: _____

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM D
APPLICATION FOR MODIFICATION OR REVISION OF DEFINITIVE PLAN

Date: ____ / ____ / ____

Subdivision #: _____

To the Planning Board in the Town of Barnstable:

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: ____ / ____ / ____

Date of Planning Board Approval: ____ / ____ / ____

Assessor's Map and Parcel Number(s): _____

Zoning: _____ Area: _____ Number of Lots: _____

Drawn By: _____

hereby submits this Application for a Modification ____ or Revision ____ of an Approved Definitive Subdivision Plan.

The Modification is described as follows: _____

If a proposed Modification will result in changes to the Definitive Plan, the plan submission requirements for a Definitive Plan shall be followed and a Form C Checklist must also be completed and attached.

List all lots which have been conveyed: _____

* Attach a list of lot owners and their addresses.

** Attach a list of all abutters and their addresses as they appear on the most recent tax list.

List all mortgage holders of the land by lot:

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

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

Signature of Owner Address () Telephone

Print Name of Owner

Signature of Owner Address () Telephone

Print Name of Owner

Signature of Authorized Applicant Address () Telephone

Print Name of Applicant

Applicant's Authorization: _____

Received by Town Clerk:

Date: ____/____/____ Time: _____ Fee: _____

Signature: _____

Please make check payable to the Town of Barnstable.

____ Notification to the Town Clerk, date: ____/____/____

____ Submitted to the Board of Health, date: ____/____/____

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM EA
ENVIRONMENTAL ANALYSIS

This form should be completed for all subdivisions which:

- 1. provide access to 10 or more dwelling units; and/or
2. provide access to 4 or more acres of non-residentially zoned land; and/or
3. is a multi-family or non-residential subdivision with access to, or within 500 feet of Route 132, Route 28 or Route 6A; and/or
4. if the Board deems it appropriate in light of special circumstances, based on recommendations from the Planning Department and/or D.P.W.

The applicant should request a determination from the Planning Board as to which sections should be completed, preferably prior to the submission of the Preliminary plan. Plans should be designed so as to mitigate impacts upon natural resources and infrastructure. It is recommended that this form be submitted providing appropriate detail with the Preliminary Plan in order to avoid errors or extra commitments which may waste valuable time and resources. The completed form shall be filed with the Definitive Plan, or a waiver obtained. See § 801-18 of the Subdivision Rules and Regulations. Questions should be directed to the Department of Planning and Development.

A. PHYSICAL ENVIRONMENT

- 1. Provide a map of the subdivision showing soil and subsoil types using information obtained from test pits and utilizing the system of soil classification in the United States Department of Agriculture, Soil Conservation Service, Interim Soil Survey Report for Barnstable County. The location of all test pits shall be indicated on the map. Soil logs shall be enclosed with the map. See § 801-24A(1)(a) of the Subdivision Rules and Regulations

Briefly describe the characteristics of the soils and subsoils of the site:

- 2. Is the subdivision located in an area designated as a Critical Habitat in the 1990 APCC publication entitled "Cape Cod Critical Habitats Atlas" published by the Association for the Preservation of Cape Cod?

_____ yes _____ no

For subdivisions located in areas designated as Critical Habitats, on the basis of a recommendation from the Conservation Department, the Planning Board may require that the applicant provide an inventory and map of species.

- 3. For multi-family, cluster and non-residential subdivisions, provide a map of the site showing the approximate location of major trees or major tree clusters with a caliper in excess of ten inches. Stands of major trees should be delineated by a line. Indicate types of trees found.

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- 4. Provide a map showing any buildings listed on the national, state or local register, or more than 50 years old and eligible for listing on the local historic register. Show stone walls and any historic or prehistoric site. Information may be obtained from the Historic Commission.

B. RESIDENTIAL SUBDIVISIONS

1. Dwelling units and population at full buildout:

- _____ Total number of dwelling units
_____ Number of dwelling units available to low and moderate income families
_____ The total number of bedrooms planned, if known
_____ Total population of the subdivision
_____ Projected sewage generation based upon 110 gallons per day, per bedroom

Describe the profile of the future residents as follows:

- Family size: _____
Age range: _____
Proportion of the dwelling units expected to be purchased by second home buyers: _____%
Minimum sales price for the dwellings: \$ _____

C. NON-RESIDENTIAL AND MIXED USE SUBDIVISIONS

All information shall be projected for full buildout.

1. Total building square footage by use:

- _____ sq. ft. use: _____
_____ sq. ft. use: _____
_____ sq. ft. use: _____
_____ sq. ft. use: _____
_____ sq. ft. use: _____

2. Total number of employees: _____

SUBDIVISION REGULATIONS

- 3. Projected water usage in gallons per day: _____ gal./day
- 4. Projected solid waste in tons per year: _____
- 5. Projected sewage generation in gallons per day: _____ gal. (use Title V calculations)

D. TRAFFIC GENERATION

1. Provide average summer daily and peak hour summer traffic counts for the following street segments servicing the subdivision as designated by the Planning Board:

Street	av. summer daily	peak hour summer	LOS*
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Highway
Capacity Manual

2. For the entire subdivision:

- _____ the average summer daily peak hour trip generation
- _____ peak hour summer trip generation

Trip generation shall be calculated according to the latest International Transportation Engineers handbook entitled "Trip Generation".

E. SOIL EROSION CONTROL MEASURES

Provide a map showing temporary drainage features in accordance with § 801-40E. Indicate at what point in the construction schedule these facilities will be installed and if temporary, when they will be removed:

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F. WATER QUALITY

1. Provide a map indicating the direction of flow of the groundwater and surface water. Data should be taken from the latest map showing the Zone 11 recharge areas for Existing and Proven Future Water Supply Wells on file with the Town Clerk, unless the Planning Board requires that a site specific hydrogeological study be made of the site by a qualified hydrogeologist. A map indicating groundwater levels and the direction of groundwater flow shall be developed from information supplied from on-site monitoring wells.

2. Annual Water Table fluctuations within the area of the subdivision determined by the formula contained in the United States Department of the Interior Geological Publication, "Estimating Highest Groundwater Levels for Construction and Land Use Planning - A Cape Cod, Massachusetts, Example":
 _____ feet per year

3. Total area of lawn _____ sq. ft.

4. Total annual Nitrate-Nitrogen loading from the subdivision from:
 _____ lbs per year - septic systems or other sewage treatment facility)
 _____ lbs per year - lawn and garden fertilizers.

Nitrate-Nitrogen loading shall be calculated according to the method approved by the Cape Cod Commission.

5. Total annual phosphorous loading from the subdivision from:
 _____ lbs - sewage
 _____ lbs - lawn and garden fertilizers

G. OPEN SPACE

Provide a map showing any nearby trails or publicly or privately owned areas of protected open space as shown on the open space maps available in the Conservation Department.

SUBDIVISION REGULATIONS

**TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM F COVENANT
KNOW ALL MEN BY THESE PRESENTS**

WHEREAS _____ of _____ MA. has submitted an application to the Planning Board of the Town of Barnstable for the approval of Definitive Plans and Profiles dated _____, 20_____, revised _____, 20_____, prepared by _____ MA, land located off _____ Road into _____ lots, entitled " _____", subdivision # _____.

WHEREAS The Planning Board and the Applicant have entered into a Development Agreement dated _____, this covenant is attached hereto and made a part thereof the Development Agreement, to secure the performance thereof

NOW THEREFORE IN CONSIDERATION that said Planning Board of the Town of Barnstable waive the requirements for security as provided in Section 81U of Chapter 41 of the General Laws of Massachusetts (Ter. Ed.) as amended and for other good and valuable consideration WE hereby COVENANT WITH THE INHABITANTS OF THE TOWN OF BARNSTABLE as follows:

1. We are the owners of record of the premises on said plan.
2. We will not convey any lot or erect or place on any lot any building foundation or permanent building until the work on the ground necessary to adequately serve such lot has been completed in the manner specified in the Development Agreement dated _____; PROVIDED further, however, the Board may release a lot or lots upon the furnishing of sufficient security as required and approved pursuant to the provisions of Chapter 41, Section 81U, of the Massachusetts General Laws.
3. We agree to record this covenant as a part thereof the Development Agreement, with the Barnstable County Registry of Deeds, and to forward recorded copies of the Development Agreement and Covenant to the office of the Planning Board within thirty(30) days of the Planning Board's endorsement of approval of the Subdivision plan, or the approval of the Subdivision Plan shall be null and void.
4. This covenant shall be and is binding upon our heirs, executors, administrators, grantee or successors in interest and our grantee or successors in title, it being the express intention and understanding and agreement that this covenant shall constitute a covenant running with the land.
5. Nothing herein shall be deemed to prohibit a conveyance subject to this Covenant and the Development Agreement by a single deed of the entire parcel of land shown on said subdivision plan.
6. This covenant shall take effect upon approval of said plan by the Planning Board of the said Town of Barnstable.

For title to the property, see deed from _____, dated _____, recorded in the Barnstable Registry of Deeds, Book _____, Page _____, or registered in the Land Court as Document No. _____ and noted on the certificate of title no. _____, in Registration Book _____ page _____. The present holder of the mortgage upon the property is _____ (name) of _____ (address). The mortgage is dated _____ and recorded in the Barnstable Registry of Deeds, Book _____, Page _____, and noted on certificate of title no. _____, in

Subdivision Rules and Regulations Form F Covenant

BARNSTABLE CODE

Registration Book _____, Page _____, or registered in the Land Registry as Document no. _____, and noted on the certificate of title no. _____, in Registration Book _____, Page _____

_____(signature)_____(print name), spouse of the undersigned applicant hereby agrees that such interest as I, we may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by dower or homestead and other interests therein.

I (we) hereby agree to construct the ways and install the utilities in the foregoing subdivision in accordance with all the terms of the Development Agreement dated: _____

In witness whereof we have hereunto set our hands and seals this _____ (day) and _____ (month) 20_____

Owners

Acceptance by a majority of Planning Board

Spouses of owners

[Planning Board]

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS _____, 20_____

Then personally appeared before me the above named _____(print name) and acknowledged the foregoing instrument to be the free act and deed of said Planning Board for the Town of Barnstable, MA.

_____ Notary Public My commission expires: _____

[APPLICANT]

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS _____ 20_____

Then personally appeared before me the above named

Subdivision Rules and Regulations Form F Covenant

SUBDIVISION REGULATIONS

_____ (print name) and acknowledged the foregoing instrument to be (his/ hers /its)
free act and deed

_____ Notary Public My commission expires: _____

(SPOUSE)

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS _____ 20_____

Then personally appeared before me the above named

_____ (print name) and acknowledged the foregoing instrument to be (his/ hers /its)
free act and deed

_____ Notary Public My commission expires: _____

OPTIONAL PARAGRAPHS TO BE INCLUDED AT THE DISCRETION OF THE PLANNING BOARD

There are not mortgages of record, or otherwise, on any of the land in the aforesaid subdivision except as described below and the present holders of said mortgages have assented to this covenant prior to its execution by the undersigned.

This covenant shall constitute a mortgage on the land affected which may be foreclosed upon by the Planning Board in the event that the principal obligation is not performed.

The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

Subdivision Rules and Regulations Form F Covenant

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE PLANNING BOARD
FORM G
RELEASE OF LOTS UNDER COVENANT

Barnstable, Massachusetts: date _____

The undersigned, being an authorized agent of the Planning Board of Barnstable, Massachusetts, hereby certifies that the following lots owned by _____, securing the covenant dated _____ 20____, and recorded in Barnstable District Deeds, Book____, Page____, (or registered on Certificate of Title No. _____, Document# _____), and shown on a plan entitled"

_____ " and recorded with said Deeds, Plan Book____, Page____, (or registered in said Land Registry District, L. C. # _____), are hereby released from the restrictions as to sale and building specified in said Covenant. Said lots are designated on said plan as follows: _____

SUBDIVISION# _____

Authorized Agent, Planning Board of the
Town of Barnstable

COMMONWEALTH OF MASSACHUSETTS

Barnstable, Massachusetts, ss _____ 20____

Then personally appeared _____ an authorized agent of the Planning Board of the Town of Barnstable, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

NOTARY PUBLIC My commission expires: _____

After recording, return to:

Town of Barnstable Planning Board
200 Main Street
Hyannis, MA 02601

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM M
CERTIFICATE OF COMPLETION

Date: _____ Subdivision #: _____

Subdivision Name: _____

Owner: _____

Owner's Address: _____

Applicant, if other than owner: _____

Applicant's Address: _____

Date of Subdivision Plan: _____ Plan Designer: _____

Land Located: _____

Plan Recorded: _____

_____ signature _____ date

Planning Board's Determination

The undersigned, being a majority of the Town of Barnstable Planning Board, have determined that based on the certification of the Planning Board's Engineer, the construction of ways and installation of utilities in the subdivision referred to above have been fully and satisfactorily completed in accordance with the Subdivision Rules and Regulations.

Pursuant to Section 81-U of Chapter 41, M.G.L., and in consideration of completion of said construction and installation, the Town of Barnstable, a Massachusetts municipal corporation, acting through its Planning Board, hereby declares the above-mentioned subdivision to be complete.

Duly executed as a sealed instrument this _____ day of _____, 20__.

Signatures of a majority of the Barnstable Planning Board.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Date: _____
 Then personally appeared _____, one of the above-named members of the Planning Board of Barnstable, Massachusetts and acknowledged the foregoing instrument to be his/her free act and deed before me.

_____ Notary Public My Commission Expires: _____ 20__

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM 0
PERFORMANCE SECURITY

Date: ____/____/20__

Subdivision #: _____

Agreement made this date between the Town of Barnstable and _____ hereinafter referred to as "the Developer", to secure the performance of all the requirements of the Subdivision Rules and Regulations and terms of the Development Agreement dated _____ between the Developer and the Town of Barnstable, a municipal corporation acting through the Planning Board, for a subdivision of land entitled _____

drawn by _____ dated ____/____/20__ owned by _____ address _____

approved by the Planning Board _____ (date)

Know all people by these presents that the agreement is binding upon our heirs, executors, administrators, assignees, grantees, successors in interest and the grantee or successors in title, to the Town of Barnstable, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of \$_____ dollars, and has secured this obligation by depositing with the Planning Board of the Town of Barnstable:

- 1. A deposit of money in the above sum to be deposited in an escrow account in the name of the town. Please provide Tax ID # for escrow account: _____

- 2. A Letter of Credit in the above sum in favor of the Town on the _____ bank located at _____ Letter of Credit # _____, dated ____/____/20__ with an expiration date of ____/____/20__, authorized by _____, title, telephone number _____, drafts to be presented at _____ office, _____ located in the Town of Barnstable.

- 3. A bond in the above sum deposited with the Town on the _____ company located at _____ authorized by _____ title _____ telephone number _____ with an expiration date of ____/____/20__.

This agreement shall remain in full force and effect until the Planning Board finds that the applicant has fully and satisfactorily performed all obligations under the terms of the above Development Agreement, or has elected to provide another method of securing performance as provided in Massachusetts General Laws, Chapter 41, Section 81-U, acceptable to the Planning Board.

BARNSTABLE CODE

In the event the applicant should fail to complete the requirements of the Subdivision Rules and Regulations and obligations of the Development Agreement, and within the time specified in the Development Agreement or as otherwise agreed to in writing by both parties, the Letter of Credit/Bond/Deposit of Money may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Barnstable to the extent of the reasonable cost to the Town of completing such construction or installation as specified in the Development Agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon the completion of the work by the Planning Board; and

The Town of Barnstable acting by and through its Planning Board hereby agrees to accept the aforesaid Letter of Credit/Bond/Deposit of Money in the amount specified in this agreement as security for the performance of the above Development Agreement.

In witness whereof we have hereunto set our hands and seals this date: ____/____/20____.

Signatures of a Majority of the Barnstable Planning Board:

Signature of Developer:
_____ print name
____/____/20____ date

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss Date: ____/____/20____

Then personally appeared _____, one of the above-named members of the Planning Board of the Town of Barnstable, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said parties before me.

Notary Public
My Commission Expires: ____/____/20____

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss Date: ____/____/20____

Then personally appeared before the above named _____ (print name) and acknowledged the foregoing instrument to be his/her/its free act and deed of said parties before me.

Notary Public My Commission Expires: ____/____/20____

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS

FORM S
CERTIFICATE OF COMPLETION

The undersigned owners, their successors and assigns of the land shown on the subdivision plan: #.____.
entitled: _____ drawn by
_____ approved by the Planning Board _____, endorsed
_____, and recorded with the Barnstable District Registry of Deeds, Book _____ or registered
on a Certificate of Title No. _____, in Registration Book _____ page _____ :are responsible
for all maintenance and repair, including snow and ice removal, of _____ Road
located in the village of _____, Town of Barnstable Mass; and agree to hold the town
harmless on any account of any failure to perform these functions.

signature _____ date _____

print name _____

address _____

signature _____ date _____

print name _____

address _____

signature _____ date _____

print name _____

address _____

BARNSTABLE CODE

signature _____ date _____

print name _____

address _____

signature _____ date _____

print name _____

address _____

signature _____ date _____

print name _____

address _____

Notary Public

COMMONWEALTH OF MASSACHUSETTS, BARNSTABLE, SS

_____ 20_____

Then personally appeared before me the above named

_____ (print name) and acknowledged the foregoing instrument to be (his/ her/its) free act and deed.

Notary Public
My Commission expires _____

After recordation, return to the Barnstable Planning Board, 200 Main Street, Hyannis MA 02601

SUBDIVISION REGULATIONS

<p style="text-align: center;">TOWN OF BARNSTABLE</p> <p style="text-align: center;">DEVELOPMENT AGREEMENTS AND OTHER DOCUMENTS TO BE RECORDED AT THE REGISTRY OF DEEDS</p>

Development Agreement

Development agreement

Exhibit 1, Conditions of Approval of the Subdivision Plan
(and Special Permit for Open Space
Subdivisions)

Exhibit 2, Grant of Waivers from the Subdivision Rules
and Regulations

Covenant

Form O, Performance Security

Open Space Subdivisions

Special Permit

Form 1A, Open Space Restriction and Easement

Deed of open space to homeowners/other

Homeowners Association Documents

Return **recorded** copy forthwith to Planning Board office, 200 Main Street, Hyannis, MA 02601.

NOTE: Failure to return recorded copies of the above documents within 30 days of the Planning Board's endorsement of approval of the subdivision plan, or as extended by the Board, shall result in automatic rescission of approval of the subdivision plan.

BARNSTABLE CODE

DEVELOPMENT AGREEMENT

AGREEMENT made in consideration of approval of the within subdivision by the Planning Board this _____ day of _____ 20_____, by and between the Town of Barnstable, a municipal corporation acting through its Planning Board, _____ and

_____ having a usual place of business _____

_____ hereinafter referred to as the "Applicant", owner of all the land shown on the plan entitled _____

_____ subdivision # _____, dated _____, revised _____ approved by the Planning Board _____, prepared by _____ for title to the property see deed from _____

_____ dated _____, recorded in the Barnstable Registry of Deeds, Book _____, Page _____, or registered in the Land Court as Document No. _____ and noted in the certificate of title no. _____, in Registration Book _____, page no. _____

The parties mutually agree as follows:

1. The Applicant hereby agrees to construct the ways and install the utilities in the foregoing subdivision in accordance with the following :
 - i. all the conditions of approval of the Planning Board in their decision dated _____, which are specifically set forth in Exhibit 1 and attached hereto and made a part thereof, this development agreement: and
 - ii. in accordance with the conditions of approval of the special permit for an Open Space Subdivision granted pursuant to § 240-17 of the Zoning Ordinance of the Town of Barnstable which has been granted by the Planning Board as specifically set forth in Exhibit 1, and attached hereto and made a part thereof, this development agreement: and
 - iii. all the requirements of the Subdivision Rules and Regulations of the Barnstable Planning Board dated _____ under the authority provided by Section 81Q of Chapter 41 of the General Laws (Ter. Ed.) as amended; except for the waivers which have been granted by the Planning Board as specifically set forth in Exhibit 2, and attached hereto and made a part thereof, this development agreement.
 - iv. in accordance with the Subdivision Plans and Profiles submitted by the Applicant and approved by the Planning Board; and
 - v. in accordance with all the requirements of the Cape Cod Commission in their decision number _____ dated _____.
2. The Applicant acknowledges that the waivers that are specifically described in Exhibit 2 are the only waivers that are acknowledged and approved by the Planning Board as of the date of approval of the Subdivision Plan: and

Development Agreement, Subdivision Rules and Regulations

SUBDIVISION REGULATIONS

- 3. The Applicant agrees that the subdivision shall conform to all the requirements of the Subdivision Rules and Regulations except as waived by the Planning Board in writing; if the development is not consistent with the Subdivision Rules and Regulations, the waivers granted thereto, and the Conditions of Approval, the Applicant agrees to bring the development in to compliance; and
- 4. The Applicant agrees to construct the ways and install the utilities within **eight (8)** years from the date of endorsement of the Subdivision Plan and Profiles, and furthermore agrees that construction shall be completed one year from the date of commencement of construction, or such further time as may otherwise be mutually agreed upon by both parties in writing. **Failure to complete construction and installation within the time specified shall result in rescission of approval of the plan.**
- 5. The Applicant agrees to maintain all ways and utilities in the subdivision until the Planning Board finds that the subdivision is complete, and fully executes Form M, the Certificate of Completion.
- 6. The Applicant agrees to record this agreement with the Subdivision Plan at the Barnstable County Registry of Deeds, and to forward recorded copies of this agreement to the office of the Planning Board Office within thirty (30) days of the Planning Board's endorsement of approval of the Subdivision Plan. Failure to comply with this provision will result in automatic rescission of the Subdivision Plan.
- 7. This agreement shall be and is binding upon the heirs, executors, administrators, assignees and successors in interest, and upon the grantee or successors in title.
- 8. The Applicant is the owner(s) of record of the premises on said plan.
- 9. The Applicant has furnished the Planning Board as part of the consideration of this agreement, and in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 81U, with a (covenant)

(in the amount of \$ _____) to secure the construction of ways and the installation of utilities within the three years specified in paragraph (3) (three) above; which security is by Form _____ attached hereto and made a part thereof this agreement, and which security may be varied from time to time in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 81U.

- 10. The Applicant agrees that in the event that the security lapses or is no longer valid, all unsold lots shall be considered to be under covenant and not to be conveyed or built upon; and the Town shall not issue building permits on such lots in the subdivision; and the Applicant shall forthwith forward to the Planning Board alternative security acceptable to the Board.

This agreement shall be in full force and effect for twenty (20) years from the date of execution of the agreement, or until the Planning Board finds that the Subdivision has been completed and fully executes Form M, the Certificate of Completion.

Development Agreement, Subdivision Rules and Regulations

BARNSTABLE CODE

In witness whereof we have hereunto set our hands and seals this _____ (day) and _____ (month) 20____.

Owners

Acceptance by a majority of Planning Board members

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

spouses

(PLANNING BOARD) COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS _____/____/20____

Then personally appeared before me the above named _____ (print name)

and acknowledged the foregoing instrument to be the free act and deed of said Planning Board for the Town of Barnstable, MA.

Notary Public
My commission expires: _____

(APPLICANT) COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS _____/____/20____

Then personally appeared before me the above named _____ (print name)

and acknowledged the foregoing instrument to be his/her/its free act and deed.

Notary Public
My commission expires: _____

Development Agreement, Subdivision Rules and Regulations

SUBDIVISION REGULATIONS

DEVELOPMENT AGREEMENT

EXHIBIT 2, GRANT OF WAIVERS

Exhibit 2 is attached to and made a part thereof the Development Agreement dated ___/___/20___ between the Town of Barnstable Planning Board and _____ the Applicant, for a subdivision plan of land entitled _____

dated ___/___/20___, owned by _____ address _____

approved by the Planning Board _____ date ___/___/20___.

The Town of Barnstable acting through the Planning board as grantors, hereby grants waivers from the following sections of the Subdivision Rules and Regulations of the Town of Barnstable Planning Board:

Section and paragraph _____ general description _____

Section and paragraph _____ general description _____

Section and paragraph _____ general description _____

Section and paragraph _____ general description _____

The Applicant acknowledges that the waivers that are specifically described herein are the only waivers that are acknowledged and approved by the Planning Board as of the date of approval of the Subdivision Plan.

GRANTEE

_____ signature Applicant ___/___/20___ date

_____ Print name

GRANTOR

_____ Planning Board Chairman ___/___/20___ date

Development Agreement, Subdivision Rules and Regulations

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE
Open Space Residential Developments
Form IA
Open Space Restriction and Easement

Whereas, the Planning Board of the Town of Barnstable, pursuant to Chapter 40A, Section 9 of the Massachusetts General Laws and : § 240-17 of the Zoning Ordinance of the Town of Barnstable, Open Space Residential Developments, has granted a Special Permit for an Open Space Residential Development and said Special Permit requires that land designated Open Space in the development be specifically restricted in its use, and

Whereas, it is the intention of this grant to convey such restrictions over said Open Space which shall remain in perpetuity, and

Whereas, it is the intention of this grant to be excepted from the limitation of term of conditions pursuant to Chapter 184, Section 23 of the Massachusetts General Laws as it is a gift for a public purpose under Article 97 of the Amendments to the Massachusetts Constitution, and,

Whereas, the preservation of open space is stated public purpose of the Town of Barnstable, now, therefore,

_____ (Grantor), for consideration paid and in consideration of an approval of an Open Space residential development, shown on a plan of land Planning Board # _____ entitled _____

dated _____ 20____, drawn by _____ (Land Surveyors), recorded _____

(reference to record), grants to the Town of Barnstable, a municipal corporation with a mailing address of 367 Main Street, Barnstable (Hyannis), Barnstable County, Massachusetts, 02601, the perpetual right and easement to enter upon Lot(s) on said Subdivision Plan (Open Space Area(s), subject to the rights and reservations contained herein, in order to maintain the said Open Space Areas in accordance with the standards required by the Planning Board of the Town of Barnstable and to remove any offending improvements not authorized by said Planning Board. Any costs incurred by said Town in performing any maintenance work as herein above set forth shall be reimbursed to the Town within thirty (30) days after an invoice from said Town for said cost has been submitted to the Trustees of

_____ (subdivision name) # _____ and number). In the event said cost is not paid in full within said time period, the Town may assess each lot in said Open Space Residential Development (Lots _____ through on said Subdivision Plan) for its proportionate share of said cost in the same manner, as a betterment assessment, or may take other such action as the Town deems advisable.

In order to ensure that said Open Space Areas shall be kept in an open and natural state and not be built upon for residential use or developed for accessory uses, such as parking or roadway, the Grantor hereby agrees that:

BARNSTABLE CODE

A. Except as set forth in Paragraph B, neither the Grantor nor his/her successors or assigns will perform or give permission to others to perform the following acts or uses on the premises:

1. Paving or construction for road or parking purposes unless shown on the approved definitive plan; road drainage systems;
2. Construction or placing of any buildings, permanently affixed mobile homes, signs, billboards, or other advertising, utilities or other structures on or above the ground. A clustered unit wastewater system cluster unit septic systems shall be located on a separate lot, labeled as such;
3. Dumping or placing of soil or other substance on the ground as landfill, or dumping or placing of trash, waste or unsightly or offensive material;
4. No trees, grasses or other vegetation on the premises shall be cut, removed or otherwise destroyed;
5. Excavation or dredging or removal of loam, peat, gravel, soil, rock or other mineral substance or natural deposit in such a manner as to affect the surface of the premises;
6. Use of the premises except for outdoor recreational purposes or purposes, permitting the premises to remain predominantly in its natural condition;
7. Activities detrimental to drainage, flood control water or soil conservation, or erosion control; or
8. Other acts or uses detrimental to the preservation of the premises in its present natural condition;
9. No use shall be made of the premises and no activity thereon shall be permitted which is or may become inconsistent with the intent of this grant, being the preservation of the premises predominantly in their present condition, the protection of environmental systems and scenic enjoyment.

B. The provisions of Paragraph A notwithstanding, the following uses and activities shall be permitted on the premises, in accordance with § 240-17, Open Space Residential Development, of the Zoning Ordinance, and the Grantee Planning Board's decision of approval of the Special Permit and Definitive Subdivision Plan:

1. Common recreational facilities as shown on the Definitive Open Space Residential Development plan, or upon an approved, modified subdivision plan;
2. Maintenance and improvement of naturally-existing woods, fields, meadows and wetlands, in accordance with good conservation practices, and with a maintenance plan approved by the Grantee Planning Board, if any;
3. Subject to a management plan approved by the Grantee: farming, agriculture, horticulture, silviculture, and the harvesting of crops, flowers and hay;

SUBDIVISION REGULATIONS

- 4. The construction and maintenance of fences around the perimeter of the open space;
- 5. The creation of unpaved paths for horseback riding trails or jogging paths for recreational use;
- 6. Where approved by the Grantee, utility tie ins across open space, by an easement shown on the subdivision plan. Clearing should be no more than ten (10) feet in width, and the land promptly restored after installation;
- 7. Such other recreational or conservation purposes as may be permitted by the Planning Board of the Town of Barnstable, evidence of which shall be the recording of a decision, a Subdivision Plan or a modification of the Special Permit permitting such uses;
- 8. Such other changes or activities requested by the grantor and expressly consented to by the Grantee as are consistent with the purpose of this restriction.
- 9. Where required by the Planning Board and/or the Board of Health, a clustered unit wastewater system.

The Grantee through one or more duly designated officers, employees or agents shall have the right to enter the premises at a reasonable time and in a reasonable manner for the purposes of inspecting the premises, insuring compliance with the terms of this restriction and preventing, abating or remedying any violations thereof. The right herein granted shall be in addition to any other remedies, by appropriate legal proceedings or otherwise, which may be available to the Grantee for the enforcement of this restriction, This open space restriction-easement does not grant public access to this property except for those as described above. The Grantor intends that this grant be an easement in gross in perpetuity.

This restriction shall be binding upon and may be enforced against the Grantor and his/her heirs, successors and assigns by the Grantee as holder of this restriction and all references herein to the Grantor and Grantee shall include references to their respective successors and assigns. This conservation restriction shall be in addition to and not in lieu of any other restrictions or easements of record.

In witness whereof, the said _____ (Grantor) has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name on its behalf by _____ (Grantor or authorized representative) its _____ (Title), hereby duly authorized this _____ day of _____, 20_____

(Grantor)
 Authorized Signature _____
 Print name: _____
 Title _____

BARNSTABLE CODE

Grantee, Planning Board

Grantee, Planning Board of the Town of Barnstable
by the Planning Board Chairman, or other officer of the Board _____

COMMONWEALTH OF MASSACHUSETTS

(Grantor)

Barnstable, ss.

then personally appeared the above-named - _____
of aforesaid, and acknowledged the foregoing Instrument to be the free act and deed of before
me

Notary Public _____ My commission expires: ___/___/20___

(Planning Board)

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

Notary Public _____ My commission expires: ___/___/20___