



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM D

PROCEDURE FOR SUBMITTING SUBDIVISION COVENANT

An application consisting of the recommendations of §2.5.4.c.3 of the Subdivision of Land Regulations will be filed as follows:

- ten (10) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Planning Department Assistant at esturdy@truro-ma.gov.

Additional material, *electronic and paper*, for a hearing shall be received no later than **Tuesday 4:00 pm** of the **prior** week.

By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any 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 each 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 Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. (Form D).

The Subdivision Covenant must be filed with the Planning Board, through the Planning Department, consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Nine (9) Copies**

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.

☐ **2 – Required Plan(s) and Other Information (Ten (10) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations §2.5.4.c.3 (above) and shall be submitted as part of the official application.

☐ **3 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$100.00**. The filing fee is non-refundable.

Note: *Please familiarize yourself with Truro Zoning Bylaws including bylaws specifically addressing property in your Truro Zoning District. It may also be helpful to review other potentially applicable Town regulations such as Board of Health and Conservation Commission regulations and regulations of other jurisdictions as applicable such as The Cape Cod National Seashore or a homeowner's association.*

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Planning Department will determine if an application is complete. Upon determination an Application is complete, the Planning Department Assistant will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional material, *electronic and paper*, for a hearing shall be received no later than **Tuesday 4:00 pm** of the **prior** week. Late submittals will not be reviewed at that meeting and may result in a continuance of the hearing. Additional information for a scheduled public hearing may be submitted provided it is received within the timeframe above so that it can be included in the packet for Board Members to read and review. Submit ten (10) paper copies, including full-size plans, to the Town Clerk for filing **AND** an electronic copy to the Planning Department Assistant at esturdy@truro-ma.gov.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM D

COVENANT

The undersigned _____ of Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board a definitive plan of a subdivision entitled _____ dated _____ made by _____ for property located at _____ and showing _____ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, 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 Planning Board 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 only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval 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 undersigned _____ wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this _____ day of _____, _____.

(Printed Name of Owner)

(Printed Name of Owner)

(Signature of Owner)

(Signature of Owner)

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his/her free act and deed before me.

NOTARY PUBLIC

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

Planning Board Signatures:

Date: _____

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his/her free act and deed before me.

NOTARY PUBLIC