

**PLANNING BOARD  
TOWN OF BURLINGTON, MASSACHUSETTS**

**FORM H-1  
CONDITIONAL APPROVAL COVENANT**

**AGREEMENT TO SECURE CONSTRUCTION OF WAYS AND INSTALLATION  
OF MUNICIPAL SERVICES IN A SUBDIVISION OF LAND  
IN BURLINGTON, MASSACHUSETTS**

This Memorandum of Agreement between the Planning Board of the Town of Burlington, Massachusetts and \_\_\_\_\_ of \_\_\_\_\_, owner of the land shown on a Definitive Subdivision Plan entitled \_\_\_\_\_ prepared by \_\_\_\_\_, dated \_\_\_\_\_, revised to \_\_\_\_\_, copy of which, bearing the condition approval of said Board, is to be recorded herewith.

**WITNESSETH:**

It is mutually agreed that all of the numbered conditions, unless waived by the Planning Board in accordance with these Rules and Regulations, pursuant to Section 2.5, "Waiver of Specific Rules and Regulations", subsection 2.5.2, "Waiver of Development Standard", shall be installed as shown on the approved and endorsed subdivision plan and in accordance with Section 10, "Design Standards", and other specifications as set forth in these Rules and Regulations governing the subdivision of land in the Town of Burlington, Massachusetts; and until the following numbered conditions are performed in a manner satisfactory to the Board as to any particular lot:

- |     |                              |                 |
|-----|------------------------------|-----------------|
| 1.  | STREETS                      | (Section 10.1)  |
| 2.  | WIDTH AND GRADE OF WAY       | (Section 10.2)  |
| 3.  | INTERSECTION OF WAYS         | (Section 10.3)  |
| 4.  | DEAD END STREETS/CUL-DE-SACS | (Section 10.4)  |
| 5.  | CURBING                      | (Section 10.5)  |
| 6.  | SIDEWALKS AND DRIVEWAYS      | (Section 10.6)  |
| 7.  | TREEBELT                     | (Section 10.7)  |
| 8.  | FIRE HYDRANTS/ALARM SYSTEM   | (Section 10.8)  |
| 9.  | MONUMENTS                    | (Section 10.9)  |
| 10. | PARKS/OPEN SPACE             | (Section 10.10) |
| 11. | SIGNS                        | (Section 10.11) |
| 12. | TREES AND OTHER PLANTINGS    | (Section 10.12) |
| 13. | CUL-DE-SAC PLANTINGS         | (Section 10.13) |
| 14. | CONSTRUCTION OF WAYS         | (Section 10.14) |
| 15. | UTILITY EASEMENTS            | (Section 10.15) |

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16. EASEMENTS (Section 10.16)
17. WATER AND SEWER FACILITIES (Section 10.17)
18. MAINTENANCE OF ROADWAY AND UNDERGROUND UTILITIES (Section 10.18)
19. RIGHT OF ENTRY EASEMENT  
The sale agreement and deed for the sale of any lot in this subdivision shall be subject to and include the following restrictive covenant: "The Grantor and Grantee agree that the Grantor, his agents, successors, heirs, assigns, and sureties, and the Town of Burlington acting through its Planning Board, shall at all reasonable times have the right to enter upon the said lot or lots for the purpose of accomplishing construction required by the subdivision agreement, supplementary agreements, bonds or by the Planning Board to complete the subdivision. This right of entry shall continue in effect until the subdivision is completed and "Certification of Completion - Release of Municipal Interest" (Form Q) is approved and recorded by the Burlington Planning Board."
20. FINISH GRADING  
All land within the subdivision shall be finish graded to prevent the ponding of surface water and to provide adequate runoff of surface water.
21. COMPLETION  
All construction within the subdivision shall be completed within twenty-four (24) months of the effective date of this agreement.

No conveyance shall be made by the owner of such lot, except as provided presently pursuant to Massachusetts General Laws, Chapter 41, Section 81-U, and no such lot shall be deemed eligible for the erection thereon of any building requiring a building permit.

This Agreement is made for the benefit of the other land in the Town, and the remaining land of the owner, is intended to constitute a covenant running with the land, and to be binding upon the parties and their successors, representatives and assigns, the successors in title to any of said land shown on said plan. Said lots shall respectively be released from the foregoing restrictions upon the recording of a "Certificate of Performance" (Form G) or "Certificate of Performance - Release of Lots in Exchange for Provision of Surety" (Form G-1), executed by a majority of said Planning Board to the effect that it is satisfied as to the completion of the requirements specified in this agreement and releases such lots as are enumerated therefrom.

Enforcement of the terms hereof shall be made in the name of the Town by order of the Planning Board and upon any breach hereof the Town shall be entitled to an injunction restraining any further sale of any lots included in said plan until the breach has been cured or security given therefore satisfactory to the then Planning Board of said Town.

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DULY EXECUTED AS A SEALED INSTRUMENT

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

Majority of the Planning Board of the  
Town of Burlington

_____	_____, Chairman
_____	_____
Property Owner	_____
	_____
	_____
	_____
	_____

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_ SS.                      Date: \_\_\_\_\_

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

\_\_\_\_\_ Notary Public

My Commission Expires \_\_\_\_\_