



TOWN OF HINGHAM
PLANNING BOARD

June 20, 2019

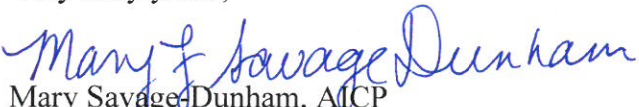
William McNulty, JR.
190 Old Derby Street, Suite #307
Hingham, MA 02043

Re: Request for Release of Covenant: Southwood Pointe Definitive Subdivision

Dear Mr. McNulty, JR:

Staff has reviewed your request for release of covenant for the Southwood Pointe Definitive Subdivision. It is our position that, if no part of the subdivision was ever built, the cleanest thing would be for someone to petition the Planning Board under G.L. c. 41, s 81W to rescind the plan and accompanying covenant. This would require public notice, notice to the other owner(s) of land shown on the subdivision plan, and a quick public hearing. The subsequent filing/recording of the rescission of the plan and covenant then is connected back to the chain of title. A copy of Form C-1 is enclosed for your use if you choose to pursue this matter as advised. Otherwise I would be happy to discuss with you at your convenience.

Very truly yours,


Mary Savage Dunham, AICP
Director of Community Planning

FORM C-1

**APPLICATION FOR MODIFICATION, RESCISSION OR AMENDMENT OF DEFINITIVE
SUBDIVISION PLAN**

Subdivision: _____

Date: _____

To the Planning Board of the **Town of Hingham:**

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: _____ Revised Through: _____

Drawn By: _____ Number of Pages: _____

Date of Planning Board Approval: _____ Endorsed: _____

Assessor's Map and Lot Numbers(s): _____

Zoning: _____ Total Acreage: _____ Number of Lots: _

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

The Modification is described as follows: _____

All prior conditions of approval shall remain in full force and effect until such time as they are met. Pursuant to Massachusetts General Laws, Chapter 41, Section 81-W, this Modification/Rescission/Amendment shall take effect when: (1) the plan as originally approved or a copy thereof, and a certified copy of the vote of the planning board making such Modification/Rescission/Amendment or change, and any additional plan referred to in such vote, have been recorded, (2) an endorsement has been made on the plan originally approved as such vote is indexed in the grantor index under the names of the owners of record of the land affected.

If a proposed Modification will result in changes to the Definitive Plan, the plan submission requirements for a Definitive Plan shall be followed.

List all mortgage holders of the land: _____

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

*Attach a list of lot owners and their addresses.

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

Signature of Owner	Address	Telephone
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Signature of Authorized Applicant	Address	Telephone
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The cost of recording shall be at the expense of the applicant in the case of Amendment or Modification.

The Amendment/Modification/Rescission of the approval of this plan shall not affect the lots in the subdivision which have been sold or mortgaged in good faith and for valuable consideration or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon. Written consent from said owners and mortgages, if any, is attached hereto.

Hingham Planning Board Chairman

Submittal requirements:

1. Completed application
2. Application Fee
3. Twelve copies of proposed plan (one - full set and eleven - 11"x 17" sets)