

Instructions for Obtaining a Deed Restriction

310 CMR 15.002 makes provisions for a homeowner to add rooms, other than bedrooms, over the total number of rooms allowed by the size of the septic system: *...Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwelling exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms that are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.*

Southborough Board of Health DEED RESTRICTION Form:

1. Fill in all the required information; all property owners, property address, county, state, and the address of the property for which the Deed Restriction. The number of bedrooms is based on the size of the septic system design. The date your deed was first recorded with the Worcester District Registry of Deeds including the book number and page number.
2. Have the signature of all property owners notarized.
3. Have a check in the amount of \$75.00 (as of April 2010) payable to the Worcester District Registry of Deeds and the completed "Deed Restriction Form" to the office at 70 Front Street, Worcester for filing.
4. Once Deed Restriction is filed return it or a receipt of its filing and the Board of Health can sign off on building permit, as long as all other septic setback distances, applications and requirements are met.

Board of Health Building Alteration Form fee depends on the cost of the alteration. A check in that amount written to the Town of Southborough will have to accompany the application before the building permit is signed and the job begun.

DEED RESTRICTION

We, _____ and _____
(Property Owner's Name) (Property Owner's Name)

as tenant(s) by the entirety, both of _____
(Property Owner's Town of Residence)

(Property Owner's County of Residence) County,

(Property Owner's State of Residence) as owners of the property located at

_____, Southborough, Massachusetts recorded with
(Property Address)

Worcester District Registry of Deeds, do hereby declare that the premises thereon shall have a deed restriction limiting the number of bedrooms in said dwelling to no more than _____, without the
(No. of Bedrooms)
requirement of obtaining the approval of the local Southborough Board of Health to exceed _____
(No. of Bedrooms)
bedrooms.

For our title see deed dated _____ and recorded with the Worcester District
(Date Deed was Recorded)
Registry of Deeds referring to deed reference number _____ on page _____
(Book Number) (Page Number)

Witness my hand and seal this _____ day of _____ 20____.

(Property Owner's Signature)

(Property Owner's Signature)

COMMONWEALTH OF MASSACHUSETTS

Then personally appeared the above named individual(s) and acknowledged the foregoing instrument to be their free act and deed before me this _____ day of _____ 20____.

NOTARY PUBLIC

My Commission Expires: _____