

Dear Applicant,

It is the Town's policy that any permits and approvals shall not be granted unless the applicant and/or property owner(s) taxes are paid. As a result, you should ascertain the status of your property tax, auto excise, and all other fees prior to submitting any application to the Zoning Board of Appeals, Planning Board, and/or Conservation Commission. Unless all fees and taxes are paid or a payment agreement with the Tax Collector has been established (this should be exhibited by a signed statement from the Tax Collector), no approvals shall be issued. In addition, approval by the Zoning Board of Appeals, Planning Board or Conservation Commission does not constitute an approval for permitting or licensing as required from the Local Licensing Authority, that is, the Board of Selectmen. The applicant should ascertain the availability of any necessary permits from the Board of Selectmen, prior to appearing before any Board or Commission for their respective approval.

Thank you for your cooperation.

ARTICLE IV
DENIAL, REVOCATION OR SUSPENSION OF LOCAL
LICENSES/PERMITS TO DELINQUENT TAXPAYERS

Acceptance of provisions of Massachusetts G.L. Chapter 40, Section 57 relative to the denial, revocation or suspension of local licenses and permits for failure to pay municipal taxes or charges and to adopt a By-Law pursuant to said Section 57 of Chapter 40 relative to the denial, revocation or suspension of licenses and permits to delinquent taxpayers in the following form:

Section 1. The tax collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 2. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers or any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen days after said notice.

Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.

Any findings made by the licensing authority with respect to such denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.

Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

Section 3. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of the law.

Section 4. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in General Laws, Chapter Two hundred and sixty-eight A (268A), Section 1 in the business or activity conducted in or on said property.

Section 5. This article shall not apply to the following licenses and permits authorized by the following sections of the General Laws: open burning, section thirteen (13) of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, and public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty. (Article 16 of December 5, 6, and 23, 1994 Special Town Meeting; approved by Attorney General February 27, 1995).

APPLICATION FOR APPROVAL OF DEFINITIVE SUBDIVISION PLAN

To the Planning Board of the (City/Town) of _____, 20____

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____, 20____ and described as follows: located _____

number of lots proposed _____, total acreage of tract _____

hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the _____ Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____

by deed dated _____ and recorded in the _____

District Registry of Deeds Book _____, Page _____, registered in the _____

Registry District of the Land Court, Certificate of Title No. _____; and said land is free of encumbrances except for the following:

Said plan has () has not () evolved from a preliminary plan submitted to the Board on _____, 20____ and approved (with modifications) () (disapproved) () on _____, 20____.

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

*Received by City/Town Clerk: _____

Applicant's signature _____

Date _____

Applicant's address _____

Time _____

Applicant's phone # _____

Signature _____ Date: _____

Owner's signature and address if not the applicant or applicant's authorization if not the owner

*Received by Board of Health

Date _____

Time _____

Signature _____

Check-list of items to be submitted with application.

1. ___ Form C application
2. ___ Application fee:
Amount submitted \$ _____
3. ___ Original Plan: # sheets _____
4. ___ Copies of Plan: # copies _____
5. ___ Engineering calculations

FORM C/DEFINITIVE PLAN CHECKLIST

PLAN CONTENTS:

The Definitive Plan shall be prepared by a registered engineer or registered land surveyor and shall be clearly and legibly drawn in black ink upon mylar suitable for registering at the Plymouth County Registry of Deeds (24"X36"). The plan shall be at a scale of one inch equals 40 feet (1"=40') or such other scale that the board may accept, to show details in a clear and adequate fashion. In addition, 10 copies of reduced plans on ledger-size paper (11"X17") shall accompany the Definitive Plan submission. At a minimum, the plan shall contain the following information:

1. _____ The title, "Subdivision Plan of (name of subdivision)";
2. _____ Date, scale, North arrow, Assessor's Map(s) and Lot(s) number(s) and a legend to explain any graphic representation or symbols on the plan;
3. _____ The names, addresses and telephone numbers of the owner(s) of record and applicant(s);
4. _____ The names of the designer, engineer and/or surveyor who prepared the plan;
5. _____ The names of all abutters, as determined from the most recent local tax list, including property owners on the opposite side of any street abutting the subdivision;
6. _____ Book and page deed references of the property to be subdivided;
7. _____ A note referring to which lot will be served by either Town Water Supply, private wells, municipal sewer or private septic systems and the location of the nearest existing public water and sewer utility services;
8. _____ A locus map at 1"=2000', exhibiting the boundaries of the proposed subdivision, location of proposed streets and relation to adjoining properties within a radius of one quarter mile and an aerial map exhibiting the general area surrounding the subject property (approximately ½ surrounding the site);
9. _____ The zoning district, including any overlay district, of the land shown on the plan;
10. _____ The location of all wetlands protected under CMR 10.00 Wetlands Protection. If protected Wetlands are to be filled or altered, an approval from the Wareham Conservation Commission must accompany this definitive application;
11. _____ Sufficient data to readily determine the location, direction and length of every street, way, easement, lot and boundary line and to establish those lines on the ground. The areas of all lots shall be shown and all lots shall be numbered. All bearings are to be

referred to Massachusetts Prime Meridien if reference points are within a reasonable distance;

12. _____ The location and present widths of streets bounding, approaching or within a reasonable proximity of the subdivision (500');
13. _____ The location of all permanent monuments, properly identified as to whether existing or proposed; location of temporary stakes to enable the Planning Board to find and appraise features of the subdivision plan;
14. _____ Proposed street names with approval of the Town's 911 system;
15. _____ Any public or common areas within the subdivision;
16. _____ The location of all abutting land owned by the applicant not presently being subdivided;
17. _____ A suitable block to record the action and signatures of the Planning Board;
18. _____ A suitable block for the Town Clerk's signature along with the statement "I hereby certify that 20 days have elapsed since the notice of approval from the Planning Board was received and recorded, and no notice of appeal has been filed in this office";
19. _____ A listing of all requested waivers from the literal requirements of these Rules and Regulations;
20. _____ A contour plan showing existing and proposed topography at 2' intervals related to an existing permanent benchmark;
21. _____ Utility plan showing in plan and profile, but not limited to, the size and location of existing and proposed water and sewer lines, hydrants, electric lines, telephone lines, gas lines, fire alarm systems, cable television lines, storm drains and any easements pertinent thereto;
22. _____ A drainage plan shall be prepared showing existing and proposed streets, lots, 2' contours and other pertinent data; the drainage limits and acreage of the area tributary to each stormwater inlet and culvert; location and type of inlets proposed; location, size, length, invert elevations, slope of proposed drains and culverts; structural details of inlets, manholes, pipe, headwalls and all other drainage structures required to complete the plan;
a. an estimate of the present rate and volume of run-off, as well as an estimate of the rate and volume of run-off that would occur after completion of the proposed subdivision, shall both be submitted along with supporting data. In calculating the run-off and drainage requirements, consideration shall be given to the impact of septic systems on the ability of the soil to absorb any additional stormwater, as well as any upgradient run-off which may impact on the subdivision.

23. _____ Street plans and profiles at a horizontal scale of one inch equals forty feet (1"=40') and a vertical scale as the Planning Board may approve. The following information shall be included:
- exterior lines of the right of way with sufficient data to determine their location direction and length;
 - existing centerline profile to be shown as a fine continuous line. Existing centerline profile for intersecting streets to be shown for at least 10', each side of the intersection of street centerlines. Proposed right sideline shall be shown as a dashed black line, left sideline as black dots. Elevations shall be based on USGS datum;
 - proposed centerline profile to be a heavy continuous line with elevations based on USGS datum shown every 50', every 25' on vertical curves;
 - road centerline stationing.
24. _____ a typical section showing proposed roadway construction at a scale of one inch equals ten feet (1"=10') shall be provided with the profile plan (see typical section in appendix).
25. _____ street lights and tree planting plan shall be provided for the area within the proposed street right of way. The plan shall be superimposed on the contour plan and shall show the following:
- existing trees to be preserved within the right of way;
 - any proposed street trees;
 - existing and proposed street lights.
26. _____ if the Planning Board determines that erosion due to development activity will be excessive or significant to wetlands, streams, ponds or other water bodies, the developer shall submit a soil erosion and sedimentation control plan. This plan shall consist of a drawing certified by a registered civil engineer, identifying appropriate control measures and their locations;
27. _____ if necessary, to determine compliance with these rules and regulations, the Board may require further engineering or environmental analysis to be prepared at the expense of the applicant, employing professionals approved by the Board.

This application constitutes the applicant's willingness to work under the Town of Wareham's Subdivision Rules and Regulations. Any errors or omissions from this checklist of the Subdivision Regulations may result in the application not being placed on a Planning Board agenda or a denial of this definitive plan.

**TOWN OF WAREHAM
ANR/SUBDIVISION/SITE PLAN REVIEW FORM**

Check one: ANR _____ Form B _____ Form C _____ Site Plan Review _____

Date stamped in _____ Date decision is due _____

Applicant's name(s) _____

Address _____

Phone #s _____ cell _____

Address of property _____

Landowner's name _____

Address _____

Phone # _____

Contact person and Phone # _____ (cell) _____

Map # _____ Lot# _____ Zone _____

Date Approved _____ Date Denied _____

Comments(state reasons for denial or stipulations of approval)

Conditions for: _____

Title: _____

- Construction shall substantially conform to the approved Site Development Plan dated ENTER DATE OF PLAN WITH ANY REVISION DATES except as modified by the below listed conditions.
- If substantial use or construction permitted by this approval has not commenced within two years from the date on which a copy of this decision was filed with the Town Clerk, excluding the amount of time required for the appeal period of twenty days to expire and the amount of time to pursue and await the final determination of any such appeal, then this approval shall expire.
- The developer/applicant shall be required to establish a Homeowners Association (HOA) that will be responsible for the maintenance and operation of the approved street light plan and to provide for the maintenance and operation of the storm water system including any and all retention basins, and all other common land within the approved subdivision. The HOA organization will be approved by Town Counsel and shall remain in force and operation for the duration of the life of the subdivision
- The developer/applicant shall develop a storm water management and maintenance plan as required by the Rules and Regulations Governing the Subdivision of Land. Such plan shall be approved by the Town's Conservation Administrator and Wareham's Director of Municipal Maintenance prior to the start of construction. The plan will prevent runoff of storm water to abutting properties. The developer/applicant's general contractor will be responsible for the inspection and maintenance of the storm water BMP during construction, including the submission of required reports to the Planning Board and Conservation Administrator. Once the construction is complete and the complex has been accepted, the HOA will be responsible for the required inspections and maintenance of the storm water system as delineated on the approved plan.
- With the final approval of Site Development Plan the developer/applicant shall work the Town Engineer and Director of Municipal Maintenance to compile a list of inspections required under Form N, Town of Wareham's Rules and Regulations Governing the Subdivision of Land.
- All rubbish, rubble, metals, stumps, and other debris shall be removed and properly disposed off-site. The developer/applicant will provide a "port-a-potty" on site for the use of construction crews. No work will be permitted on Sundays and legal holidays unless specific approval is granted by the Town of Wareham's Zoning Enforcement Officer.
- The site will not be clear-cut. The applicant shall preserve a minimum 10' vegetative buffer along the side and rear lot lines of all lots. The developer/applicant will provide a landscaping plan under Article X of the Town of Wareham Zoning Bylaws that will indicate existing vegetation, including trees, which will be preserved. To ensure the long term maintenance the implementation of a two year guarantee program shall be provided to the

Town on all new plant material. Street trees shall be planted along every 50' along both sides of the road. The developer/applicant furnished landscape material for street use shall be drought resistant.

- Street lighting is required by the Town of Wareham's Rules and Regulations Governing the Subdivision of Land, is required to maintain all streets and utilities in satisfactory condition until such streets and utilities are accepted by the Town of Wareham.
- Be advised that the developer/applicant, under Section (1)c of the Town of Wareham Rules and Regulations Governing the Subdivision of Land, is required to maintain all streets and utilities in satisfactory condition until such streets and utilities are accepted by the Town of Wareham.
- If public water is available within 1500' the applicant shall be required to connect to the system per Section VI, part B.4 of the Town of Wareham Rules and Regulations Governing the Subdivision of Land.
- No further subdivision of any lots by this action, to create any new buildable lots, will be permitted in perpetuity.
- Approvals and conditions from all other applicable Town Departments, Town Boards, Town Commissions and State agencies shall be made part of these conditions.

TOWN OF WAREHAM
PLANNING BOARD
54 Marion Road
Wareham, Massachusetts 02571

NOTICE OF PUBLIC HEARING

In accordance with the provisions of Chapter 40-A, Section 5, Massachusetts General Laws, the Planning Board will hold a public hearing on January 25, 2010, at 7:00 p.m. in the Lower Level Cafeteria of Wareham Town Hall, 54 Marion Road, Wareham, MA to consider the following proposed revisions to the Subdivision Rules and Regulations;

SECTION VII FILING FEES - effective 01/26/10

A. APPROVAL NOT REQUIRED PLANS

Filing fee: \$150.00 per plan sheet + \$50.00 each newly-created lot

B. PRELIMINARY PLAN

Filing fee: \$500.00 + \$100 per lot + \$75.00 advertising fee

C. DEFINITIVE PLAN

Filing fee:

\$750.00+ \$75.00 per lot if Form B has been submitted, plus \$1.00 per linear foot of road + \$75.00 advertising fee.

\$1,500 + \$50.00 per lot if Form B has not been submitted, plus \$1.00 per linear foot of road + \$75.00 advertising fee.

COVENANT RELEASE/BOND RELEASE

Filing fee: \$100.00 per request

Subdivision Modifications

Filing fees for subdivision modifications shall be the same as listed above for an original application. Review Fees shall also be the same.

D. REVIEW FEES REQUIRED

Where specific conditions arising from the land or the nature of the proposal necessitates the assistance of planning, engineering, legal, traffic, soils, hydrologic or other consultants, the Planning Board may engage such consultant services to assist the Board in analyzing the project to ensure compliance with all relevant laws, by-laws, regulations, good design principles and best available practices. In these instances the board will require the applicant to pay a review fee consisting of the reasonable costs to be incurred by the Board for these services (The provisions for this language, MGL Ch.44, Sec. 53G, were adopted at the October 21, 2002 Town Meeting).

Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer who shall establish a special individual account for this purpose. Expenditures from this special account may be made at the direction of the Board. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a review fee has been, or will be collected from the applicant. Failure of an applicant to pay all review fees shall be grounds for denial of the application or permit.

RECEIVED

JAN 27 2010

1:05 PM

TOWN OF WAREHAM

Please Keep in file

FORM F
COVENANT

Town of Wareham, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated _____, to the _____ Planning Board for approval of a definitive plan of a subdivision of land entitled: _____

plan by: _____, dated: _____
revised: _____

and owned by: _____
address: _____

land located: _____

and showing _____ proposed residential lots and _____ open space lots. The undersigned has requested the Planning board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Wareham in the County of Plymouth approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the Inhabitants of the Town of Wareham as follows:

1. That the undersigned is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land.
2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The Application for Approval of Definitive Plan (Form C).
 - b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
 - c. The Certificate of Approval and the conditions of approval specified therein, issued by the Planning Board, dated _____.
 - d. The definitive plan as approved and as qualified by the Certificate of Approval.
 - e. Other document(s) specifying construction to be completed, namely:

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing by the Planning Board and enumerating the specific lots to be released.
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Plymouth County Registry of Deeds forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant, but not later than three (3) years from the date of such deed as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____ the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another, of the methods described in M.G.L. Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to the property, see deeds recorded in Plymouth County Registry of Deeds, Book _____, Page _____, or registered in _____ Land Registry as Document No. _____, and noted on certificate of title no _____ in Registration Book _____, Page _____.

The present holder of a mortgage upon the property is _____ of _____

The mortgage is dated _____ and recorded in _____ Land Registry as Document No. _____ and noted on certificate of title no _____ in Registration Book _____ page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the

same status, 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.

_____, 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 the dower or homestead and other interests therein.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ of _____, 20: ____.

OWNER:

By: _____

Acceptance by a Majority of the Planning Board of Wareham.

One Acknowledgement must be completed for each of the following:

- Planning Board representative
- Owner or owners
- Spouse of the owner
- Mortgagee

COMMONWEALTH OF MASSACHUSETTS

On this ____ day of _____, 20: _____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Signature of Notary Public
Name: _____
My commission expires _____

Consultant Review Fees

Applicability. In addition to the Application Fee, the Planning Board may impose a Consultant Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale, or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

Submittal. Consultant Review Fees shall be submitted at a time to be determined by a majority vote of the Board for deposit in an account established pursuant to G. L. c. 44, s. 53G (53G Account). Failure to submit the fee as required by the Board shall be cause for the Board to continue or suspend the proceedings and no review work shall commence until the fee has been paid in full.

Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Consultant Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Consultant Review Fee to cover the cost of the remaining project review

Appeal From the Selection of the Consultants. The applicant may appeal the selection of an outside consultant to the Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field. The applicant must specify the specific grounds which the applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.