

Residential Cluster  
Subdivision

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 and, 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 Tax Payers

Acceptance of provisions of Massachusetts G.L. Chapter 40, Section 57 relative to the denial, revocation or suspension of local licenses and permit 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 tax payers in the following form:

Section 1. The tax collector shall annually furnish to each department, board, commission or division, herein after referred to as the licensing authority, that issues licenses and permits including renewals and transfers, a list of any person, corporation, or business enterprise, herein after 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 a twelve month period, and that such party has not filed in good faith a pending application for 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).

**PLANNING BOARD**  
**TAX VERIFICATION FORM**

This verifies that \_\_\_\_\_ (name of applicant) is up-to-date on the taxes for the property(ies) he/she owns in Wareham. If the applicant is not the current owner of the property that the application addresses, the current owner \_\_\_\_\_ (name of property owner) is up-to-date on taxes and on all properties he/she owns in the Town of Wareham.

\_\_\_\_\_  
John Foster, Tax Collector

## Town of Wareham Residential Cluster Development Application Checklist

Name of site: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Developer(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**Relationship between Developer & Property Owner:** \_\_\_\_\_

Surveyor: \_\_\_\_\_

Engineer: \_\_\_\_\_

Architect: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_

ITEM	Complete
Application for Site Plan Review – Special Permit filed with Planning Board	
(14 copies of application and supplementary materials)	
Application for Special Permit – Residential Cluster Development filed with Planning Board	
(11copies of application and supplementary materials)	
Copies filed with Town Clerk	
Filing Fees	
<b>GENERAL INFORMATION</b>	
Developer Name, address, telephone number	
Property Owner Name, address, telephone number	
Date of Application	
Statement briefly describing project	
Locus Map (1" = 2,000')	
Location of property to surrounding area (scale should be no less than 1" = 100') and general characteristics of all lands within 200' of the proposed site including structures, parking areas, driveways, pedestrian ways, and natural characteristics	
Zoning district (sq. feet within each district if more than one)	
Total area of project to include wetland and 100 year floodplain (both in sq. feet)	
All contiguous land owned by the applicant or by owner of property	
Photographs of site (8" by 10") – at discretion of Permitting Authority	
List of abutters, certified by Board of Assessors	

<p>Number of dwellings which could be constructed by means of a conventional development plan, considering the whole tract, exclusive of water bodies and land prohibited from development by legally enforceable restrictions, easements, or covenants. This includes:</p> <ul style="list-style-type: none"> <li>Any bank, freshwater wetland, coastal wetland, beach, dune, flat, march, or swamp bordering the ocean, any estuary, creek, river, stream, pond, or lake</li> <li>Lake under any of the water bodies listed above;</li> <li>Land subject to tidal action</li> <li>Land subject to coastal storm flowage or slopes in excess of fifteen (15) percent are not to be counted in figuring the number of permissible units of conventional development.</li> </ul>	
<b>EXISTING FEATURES</b>	
(Scale 1" = 20', 1" = 40', or 1" = 100' where practical and appropriate to the size of the proposal) Must include a minimum of the following:	
<p><b>1. Existing Natural Features</b></p> <ul style="list-style-type: none"> <li>a. Tree line of natural area;</li> <li>b. Individual trees 18" dbh or over;</li> <li>c. Bogs or agricultural areas;</li> <li>d. All wetlands protected under 310 CMR 10.01 (1) (a-d); floodplain (100 year) with base flood elevation data;</li> <li>e. Contour lines (2' intervals);</li> <li>f. General soil types.</li> </ul>	
<p><b>2. Existing Man-Made Features</b></p> <ul style="list-style-type: none"> <li>a. Vehicle accommodation areas; streets, roads, private ways, walkways;</li> <li>b. Curbs, gutters, curb cuts, drainage grates;</li> <li>c. Storm drainage facilities including manholes;</li> <li>d. Utility lines including water, sewer, electric, telephone, gas, cable TV;</li> <li>e. Fire hydrants and location of dumpsters;</li> <li>f. Buildings, structures, and signs (free standing) including dimensions of each;</li> <li>g. Exterior lighting features.</li> </ul>	
<p><b>3. Existing Legal Features</b></p> <ul style="list-style-type: none"> <li>a. Zoning of property (district lines);</li> <li>b. Property lines (with dimensions identified);</li> <li>c. Street right-of-way lines;</li> <li>d. Utility or other easement lines;</li> <li>e. Monuments.</li> </ul>	
<b>DEVELOPMENT PLAN</b>	
Proposed changes to existing natural features, existing man-made features, and existing legal features including the following;	
<ul style="list-style-type: none"> <li>Area of each new lot in square feet;</li> </ul>	
<ul style="list-style-type: none"> <li>Lot dimensions;</li> </ul>	

<ul style="list-style-type: none"> <li>Location and dimensions of all buildings and freestanding signs as well as the distances from all buildings to lot lines, streets, or street;</li> </ul>	
<ul style="list-style-type: none"> <li>Location, dimension, and designated use for all recreation areas;</li> </ul>	
<ul style="list-style-type: none"> <li>Location and dimension of all open space (indicate whether such open space is to be dedicated to public use or remain private);</li> </ul>	
<ul style="list-style-type: none"> <li>Streets (including street names) which conform to the design standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land;</li> </ul>	
<ul style="list-style-type: none"> <li>Curbs and gutters, curb cuts, drainage grates;</li> </ul>	
<ul style="list-style-type: none"> <li>Drainage facilities including manholes, pipes, drainage ditches, and retention ponds;</li> </ul>	
<ul style="list-style-type: none"> <li>Sidewalks and walkways showing widths and materials;</li> </ul>	
<ul style="list-style-type: none"> <li>Outdoor illumination with lighting fixture size and type identified;</li> </ul>	
<ul style="list-style-type: none"> <li>Utilities – Water, sewer, electric, telephone, gas, cable TV;</li> </ul>	
<ul style="list-style-type: none"> <li>Fire hydrant locations;</li> </ul>	
<ul style="list-style-type: none"> <li>Dumpster (trash collection facilities);</li> </ul>	
<ul style="list-style-type: none"> <li>New contour lines resulting from earth movement (2' intervals) and indications of types of ground cover and other precautions to stabilize slopes;</li> </ul>	
<ul style="list-style-type: none"> <li>Vehicle parking, loading, and circulation areas showing dimensions and layout of parking spaces, travel lanes, aisles, and driveways;</li> </ul>	
<ul style="list-style-type: none"> <li>Proposed new plantings by size and location or construction of other devices to comply with screening and shading requirements.</li> </ul>	
<b>IMPACT STATEMENT</b>	
<b>Part One:</b> Description of neighborhood and impact of proposed development on all applicable town services including but not limited to schools, sewer service, water system, parks, fire, and police protection;	
Traffic report of existing and future traffic within and adjacent to proposed development. (Include estimate of both peak and average daily traffic count);	
Analysis of site in regards to wetlands, coastal wetlands, slopes, soil conditions, 100 year flood plain, and other natural features as Planning Board may request;	
Environmental Impact Assessment Report relating to proposed plan and copy of environmental impact report if otherwise required in order to illustrate the ecology of the area within the site and any significant off-site impacts;	
Evaluation of open land proposed within cluster, with respect to size, shape, location, natural resource value, and accessibility by residents of the Town or of the cluster;	
<b>Part Two:</b> Description of actions that have been taken to mitigate the impacts described in Part One.	

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## ARTICLE 8:

### Alternative Residential Site Development

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#### 810 RESIDENTIAL CLUSTER DEVELOPMENT

##### 811 Purpose

To encourage the preservation of valuable open space and promote the more efficient use of land in harmony with its natural features, and to protect and promote the health, safety and general welfare of the inhabitants of the town

##### 812 Use Regulations

812.1 The Planning Board may grant a Special Permit approving a Residential Cluster Development in all Districts.

812.2 The lots for building purposes shall be grouped in a cluster or clusters, and within each cluster the lots shall be contiguous.

812.3 The allowable dwelling type shall be the same as that allowed in the zoning district of the proposed development.

812.4 The created principal streets, if any, shall be offered to the Town for acceptance as public ways upon completion.

##### 813 Density

The total number of proposed lots in the development shall not exceed the number of lots which could be developed in the underlying zone district for single family residential development.

##### 814 Procedures

###### 814.1 Filing of Application

Each application for a Special Permit to cluster shall be filed with the Planning Board, with a copy filed forthwith with the Town Clerk, and shall be accompanied by 11 copies of a preliminary plan of the entire tract under consideration, prepared by a registered civil engineer or registered landscape architect.

###### 814.2 Contents of Application

Said application and plan shall be prepared in accordance with the Planning Board's requirements for a preliminary subdivision plan provided in the Rules and Regulations Governing the Subdivision of Land, whether or not the development constitutes a subdivision, shall include proposed location, bulk and



height of all proposed buildings. In addition, the applicant shall provide the following information:

- (a) The number of dwellings which could be constructed by means of a conventional development plan, considering the whole tract, exclusive of water bodies and land prohibited from development by legally enforceable restrictions, easements or covenants. Areas such as:
  - (1) Any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, or swamp bordering on the ocean, any estuary, creek, river, stream, pond or lake;
  - (2) Land under any of the water bodies listed above;
  - (3) Land subject to tidal action;
  - (4) Land subject to coastal storm flowage or slopes in excess of fifteen (15) percent are not to be counted in figuring the number of permissible units of conventional development.
- (b) An analysis of the site, including wetlands, slopes, soil conditions, areas within the 100 year flood, trees over 5 inches DBH and such other natural features as the Planning Board may request.
- (c) An environmental impact assessment report relating to the proposed plan and a copy of the environmental impact report if otherwise required. Such reports to be conducted by a party mutually agreed upon by the Planning Board and the prospective developer.
- (d) A description of the neighborhood in which the tract lies, including utilities, school, road conditions, and other public facilities, and the impact of the proposed plan on them.
- (e) Evaluation of the open land proposed within the cluster, with respect to size, shape, location natural resource value, and accessibility by residents of the Town or of the cluster.
- (f) Traffic report describing existing and future traffic patterns within and adjacent to the proposed development.
- (g) List of abutters, certified by Board of Assessors.

#### 814.3 Review of Other Boards

Before acting upon the applications, the Board shall submit it with the plan to the following boards, which may review it jointly or separately: Board of Health, Town Engineer, Conservation Commission, Water Department, Sewer Department, Sewer Commissioners, Police Department, Fire Department, Municipal Maintenance Department and Building Inspector.

#### 814.4 Planning Board Approval

Planning Board approval of a Special Permit or Site Plan Review shall neither oblige the Planning Board to approve any related preliminary or definitive plan for subdivision nor substitute for such approval. However, the Planning Board may allow an applicant to combine a submission for a Special Permit or a Site Plan Review with a submission for a preliminary or definitive subdivision

approval if such submission conforms to all requirements for both a Special Permit or a Site Plan Review and subdivision approval. In such case, the Planning Board may conduct a combined public hearing for both a Special Permit or Site Plan Review and subdivision approval.

#### **815 Findings of the Board**

The Planning Board may grant a Special Permit under this Section only if it finds that the applicant has demonstrated the following: That the Cluster Plan will be in harmony with the general purpose of this By-Law and the requirements of General Laws, Chapter 40A and the long-range plan of the Town; that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, and is superior to a conventional plan in preserving open space, minimizing environmental disruption, allowing for more efficient provisions of services, or allowing for greater variety in prices or types of housing. In addition, the plan must meet the specific requirements of Sections 816-818 of this By-Law.

#### **816 Minimum Dimensional Requirements**

816.1 The area of the tract to be developed shall be not less than ten (10) acres for single family dwellings nor less than twenty-five (25) acres for two family dwellings or multiple family dwellings.

816.2 No single lot shall contain less than 10,000 square feet for each single family dwelling; not less than 20,000 square feet for each two-family dwelling; and not less than 40,000 square feet for each multiple-family dwelling.

816.3 Lots shall have a minimum frontage on a public or private way as indicated in the charts below, except that a lot of less than 20,000 square feet on the turning circle of a dead-end street may have frontage of seventy-five (75) feet, provided that the shortest distance between side lot lines shall be at least eighty (80) feet at every point more than forty (40) feet from the street line to the dwelling or main non-residential structure:

<u>Lot Size (square feet)</u>	<u>Frontage (feet)</u>
10,000 – 39,000	100
40,000 or greater	125

816.4 Minimum front, side and rear yard requirements shall be the same as in the zoning district in which the development is proposed.

#### **817 Required Open Land**

817.1 At least 50% of the tract, exclusive of land set aside for roads and parking, shall be open land. At least 30% of the open land shall be suitable for passive or active recreational use.

817.2 Such open land, together with the areas in the building lots devoted to buildings, roads or parking, shall equal or exceed the area otherwise required under the Zoning By-Law for the total number or units contemplated in the development, except that water bodies and land already subject to legally enforceable covenants or easements shall not be included in this computation.

817.3 The open land may be used for recreational purposes including golf courses, riding trails, tennis courts, gardens, swimming pools, natural buffers and other non-structural facilities necessary for the convenience and enjoyment of the residents.

## **818 Ownership and Management of Common Open Space**

### **818.1 Ownership**

Such open land shall either be conveyed to the city or town and accepted by it for park or open space use, or be conveyed to a non-profit organization the principal purpose of which is the conservation of open space, or to be conveyed to a corporation or trust owner by the owners of lots or residential uses within the plot.

If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units in accordance with the following requirements:

- (a) The corporation or trust must assign each individual unit owner as a tenant-in-common owner of the Common Open Space;
- (b) Each owner of the Residential Cluster Development shall automatically become a member of the corporation or trust upon purchase of a unit or units within the development;
- (c) The deed to each unit shall include a proportionate share of the Common Open Space;
- (d) The corporation or trust shall own and maintain the Common Open Space in perpetuity, and shall not dispose of any portion of the Common Open Space by sale or other means;
- (e) The provisions establishing the corporation or trust shall be approved by Town Counsel.

In any case where such land is not conveyed to the city or town, a restriction enforceable by the city or town shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

### **818.2 Management**

- (a) Each application for a Residential Cluster Development must include a description and plan of how the Common Open Space will be maintained in perpetuity.

- (b) The applicant shall provide an agreement satisfactory to Town Counsel that if the Town of Wareham is required to perform any maintenance work, the owners of the residences in the development would pay the cost thereof and that the cost shall be a lien upon their properties until said cost has been paid.
- (c) The applicant shall provide, as part of the Common Open Space, an agreement satisfactory to Town Counsel empowering the Town of Wareham to perform maintenance of the Common Open Space in the event of a failure to comply with the above.

**818.3 Non-Commercial Use**

There shall be a covenant in the deeds to the dwellings approved by Town Counsel that will not allow the commercial use of any dwelling in a Residential Cluster Development including but not limited to any form of multiple ownership of time or interval of a dwelling unit.

**819 Further Requirements**

819.1 No use other than residential or recreational shall be permitted

819.2 No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown upon the plan.

819.3 No certificate of occupancy shall be issued by the Building Inspector until he has certified to the Planning Board that the premises have been built in accordance with the plan approved by the Board hereunder.

819.4 The Board may impose other conditions, safeguards, limitations on time and use, pursuant to its regulations.

819.5 The Board may grant a Special Permit hereunder for clustering even if the proposed development is not subject to the subdivision control law.

819.6 Except insofar as the subdivision is given 8 years protection under General Laws, Chapter 40A, Section 6, the Special Permits under this section shall lapse within two years, excluding the time required to pursue or await the determination on an appeal, from the grant thereof, if a substantial use has not sooner commenced or if construction has not begun, except that the Planning Board may grant an extension for good cause and shall grant an extension if the delay was caused by the need to seek other permits.

819.7 After granting the Special Permit, the Planning Board may permit relocation of lot lines within the cluster. However, any change in the overall density, street layout, or open space layout will require further hearings.

Form B

Town of Wareham  
**APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN**

\_\_\_\_\_, 20\_\_\_\_

To the Planning Board of the City/Town of \_\_\_\_\_

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

\_\_\_\_\_

by \_\_\_\_\_, dated \_\_\_\_\_

and described as follows: \_\_\_\_\_,

located \_\_\_\_\_, number of lots

proposed \_\_\_\_\_ total acreage of tract \_\_\_\_\_, said applicant hereby submits said

plan as a *Preliminary* subdivision 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. \_\_\_\_\_

Received by City/Town Clerk:

Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

Applicant's signature \_\_\_\_\_

Applicant's address \_\_\_\_\_

\_\_\_\_\_

Applicant's phone # \_\_\_\_\_

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 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Check one:            ANR \_\_\_\_\_ Form B \_\_\_\_\_ Form C \_\_\_\_\_ Site Plan Review \_\_\_\_\_

Date stamped in \_\_\_\_\_ Date decision in due \_\_\_\_\_

Applicant's name(s) \_\_\_\_\_

Applicant's address \_\_\_\_\_

Telephone number \_\_\_\_\_

Address of property \_\_\_\_\_

Landowner's name \_\_\_\_\_

Owner's address \_\_\_\_\_

Telephone number \_\_\_\_\_

Contact person \_\_\_\_\_ Telephone \_\_\_\_\_

Map # \_\_\_\_\_ Lot # \_\_\_\_\_ Zone \_\_\_\_\_

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Comments (state reasons for denial or stipulations of approval)

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Conditions for: \_\_\_\_\_

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## FORM B/PRELIMINARY PLAN CHECKLIST

The Preliminary Plan shall be drawn on appropriate, reducible paper and should exhibit the following information by which to form a clear basis for discussion and for the preparation of a Definitive Plan:

1. \_\_\_\_\_ The title, "Preliminary Plan of (name of subdivision)";
2. \_\_\_\_\_ Date, scale and 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;
6. \_\_\_\_\_ The existing and proposed lines of streets, ways, easements and any public areas within the subdivision;
7. \_\_\_\_\_ The proposed drainage system, including adjacent existing natural waterways;
8. \_\_\_\_\_ The approximate boundary lines, dimensions, and areas of proposed lots;
9. \_\_\_\_\_ The names, locations, and widths of adjacent streets;
10. \_\_\_\_\_ The general topography of the land;
11. \_\_\_\_\_ Location and distance to nearest public water and sewer utility services;
12. \_\_\_\_\_ A locus map scaled at 1" = 2,000' and an aerial map exhibiting the general area surrounding the subject property (approximately ½ mile surrounding the site).

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 or the Subdivision Regulations may result in the applicant not being place on a Planning Board agenda or denial of this Form B/Preliminary Plan.

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 + \$100.00 per lot + \$80.00 advertising fee

**C. DEFINITIVE PLAN**

Filing fee:

\$750.00 + \$80.00 per lot if Form B has been submitted, plus \$1.00 per linear foot of road + \$80.00 advertising fee.

\$1,500.00 + \$50.00 per lot if Form B has not been submitted, plus \$1.00 per linear foot of road + \$80.00 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, MLG Ch. 44, Sec. 53G, were adopted at the October 22, 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. Expenditure 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.

Review fees may only be spent for services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. At the completion of a Board's review of a project, any excess amount of funds in the account, including any interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. The applicant must submit a written request for these funds. Upon request, a final report for said account shall be made available to the applicant, or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with the documentation establishing such succession in interest.

Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen, providing that such appeal is taken within 14 days of notification of the Board's appointment to the consultant. The grounds for such an appeal shall be limited to the claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications as may be set by the Board. The minimum qualifications shall consist of a licensed professional in a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board will stand.

**\*Amended 01/25/10 by majority vote; The Board may waive fees if deemed modification is to be minor. The Board, in its discretion, may waive or adjust the fees if it deems the modification to be a minor modification.**

#### **OTHER COST AND EXPENSES**

All expenses for professional services, ancillary report reviews, supplemental studies, advertising, publication of notices, postage and mailings and all other expenses in connection with the proposed subdivision, including without limitation sampling and/or testing, shall be borne by the applicant. Re-inspection fees shall be the reasonable costs to be incurred to observe and inspect the construction of the proposed improvements and shall be based on an estimate provided by the Town's engineer.

The Planning Board shall not accept an application or schedule a public hearing for any application without receipt of a dollar deposit as listed in the Consulting Fee Schedule to be used only for payment of engineering, legal and other consulting services related to the proposed project.

The Planning Board may request supplemental payments, as needed, which shall be due and payable within fourteen (14) days of the request. Failure to pay the deposit amount or any supplemental payment shall be grounds for denial of the application. Any person interested or wishing to be heard on the proposed revisions to the Subdivision Rules and Regulations should appear at the time and place designated.

George T. Barrett  
Chairman

NOTICE PUBLICATION DATES:

First Notice: January 7, 2010

Second Notice: January 14, 2010