

Form C/Approval  
For Definitive Subdivision Plan

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.

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John Foster, Tax Collector

Form C

APPLICATION FOR APPROVAL OF  
DEFINTIVE SUBDIVISION 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 **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:

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

Treasurers office: \_\_\_\_\_

Date: \_\_\_\_\_

Check-list of items to be submitted with application:

1. \_\_\_\_\_ Form C application
2. \_\_\_\_\_ Application fee:

- Amount submitted: \$ \_\_\_\_\_
3. \_\_\_\_\_ Original plan: # of sheets \_\_\_\_\_
  4. \_\_\_\_\_ Copies of plan: # of copies \_\_\_\_\_
  5. \_\_\_\_\_ Engineering Calculations

FORM C/DEFINITIVE PLAN CHECKLIST

The Definitive Plan shall be prepared by a registered engineer or 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" x 36"). 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" x 17") 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 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, 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 lots 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" = 2,000', 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 mile 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 Meridian 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; 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 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:
- a. exterior lines of the right of way with sufficient data to determine their location, direction and length;
  - b. 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 on street centerlines. Proposed right sideline shall be shown as a dashed black line, left sideline is black dots. Evaluations shall be based on USGS datum;
  - c. proposed centerline profile to be a heavy continuous line with elevations based on USGS datum shown every 50', every 25' on vertical curves;
  - d. 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:
- a. existing trees to be preserved within the right of way;
  - b. any proposed street trees;
  - c. 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 sediment control plan. This plan shall consist of a drawing certified by a registered civil engineer, identifying the 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 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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**RECORD OF PLANNING BOARD PROCEEDINGS AND DECISIONS**

**Town of Wareham Planning Board**

Name of Subdivision or Project: \_\_\_\_\_

APPLICATION:      FORM A \_\_\_\_\_ FORM B \_\_\_\_\_ FORM C \_\_\_\_\_  
                             SITE PLAN REVIEW \_\_\_\_\_ OTHER \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_

DATE DECISION IS DUE: \_\_\_\_\_

DATE OF PUBLIC HEARING(S): \_\_\_\_\_

DECISION DATE: \_\_\_\_\_

DATE DECISION SENT TO TOWN CLERK: \_\_\_\_\_

DATE APPEALS PERIOD BEGINS \_\_\_\_\_ ENDS \_\_\_\_\_

PLANNING BOARD DECISIONS: (yes or no or abstention) if abstaining, appropriate recusal form should accompany decision.

FORM A:

M. Baptiste \_\_\_\_\_ G. Barrett \_\_\_\_\_ M. Fitzgerald \_\_\_\_\_ B. Reed \_\_\_\_\_  
J. Cronan \_\_\_\_\_ A. Slavin \_\_\_\_\_

FORM B:

M. Baptiste \_\_\_\_\_ G. Barrett \_\_\_\_\_ M. Fitzgerald \_\_\_\_\_ B. Reed \_\_\_\_\_  
J. Cronan \_\_\_\_\_ A. Slavin \_\_\_\_\_

FORM C:

M. Baptiste \_\_\_\_\_ G. Barrett \_\_\_\_\_ M. Fitzgerald \_\_\_\_\_ B. Reed \_\_\_\_\_  
J. Cronan \_\_\_\_\_ A. Slavin \_\_\_\_\_

SITE PLAN:

M. Baptiste \_\_\_\_\_ G. Barrett \_\_\_\_\_ M. Fitzgerald \_\_\_\_\_ B. Reed \_\_\_\_\_  
J. Cronan \_\_\_\_\_ A. Slavin \_\_\_\_\_

COMMENTS OR STIPULATIONS ON DECISION: \_\_\_\_\_

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

STREET NAME PROPOSED AND ACCEPTED: \_\_\_\_\_  
\_\_\_\_\_

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

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

**Title:** \_\_\_\_\_

- Construction shall substantially conform to the approved Site Development Plan dates (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 his 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 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 Administration 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 the Site Development Plan the developer/applicant shall work with 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 of 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 and 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 1,500' 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 + \$100.00 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.

\$1,500.00 + \$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, 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

**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 a fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise of 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 herein, 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. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned 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 late 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 the 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 occurrence 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 the 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 judgement 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 decision 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 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.