

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).

Form A

APPLICATION FOR ENDORSEMENT OF PLAN  
BELIEVED NOT TO REQUIRE APPROVAL

September 4, 2020

To the Planning Board of the City/Town of Wareham

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (Circle as appropriate.)

1. The accompanying plan is not a subdivision because the plan does not show a division of land.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the \_\_\_\_\_ zoning by-law/ordinance under Section \_\_\_\_\_ which requires \_\_\_\_\_ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - a. a public way or way which the City or Town Clerk certifies is maintained and used as a public way, namely \_\_\_\_\_, or
  - b. a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely \_\_\_\_\_ on \_\_\_\_\_, and subject to the following conditions \_\_\_\_\_; or
  - c. a private way in existence on \_\_\_\_\_, the date when the subdivision control law became effective in the city/town of \_\_\_\_\_ having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_
3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by the Wareham zoning bylaw/ordinance under Section 211.1, which requires 180 feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the plan prior to \_\_\_\_\_ the date when the subdivision control law went into effect in the city/town of \_\_\_\_\_ and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law is submitted as follows:

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

C. Dean Smith, Borrego Solar Systems, Inc.

APPLICANTS NAME · PLEASE PRINT

5. Other reasons or comment: (See M.G.L., Chapter 41, Section 81-L)

The purpose of this plan is to combine a portion of lots 111-1000H & 112-1000 with the entirety of lot 111-1000F into a new single lot; no frontage is affected by this plan

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

The owner's title to the land is derived under deed from Meharg Realty Trust, dated July 1, 2003 and recorded in Plymouth Registry of Deeds, Book 25654, Page 310 and - Assessors Book -, Page -. Other deeds involved: 1408-69, 1418-197, & 1733-261

Received by City/Town Clerk:


Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

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

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

Applicant's signature   
Applicant's address Borrego Solar Systems, Inc.  
55 Technology Drive, Suite 102  
Lowell, MA 01851  
Applicant's phone # (978) 221-3103  
Owner's signature and address if not the applicant or applicant's authorization if not the owner  
Borrego Solar Systems, Inc.  
is Lessee of the property authorized  
to make the subject application.

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

This verifies that Borrego Solar Systems, Inc. (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 A.D. Makepeace Co. (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

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 A/ANR PLAN CHECKLIST

The plan shall be suitable for recording (24" x 36") in the Plymouth County Registry of Deeds (6 contact prints shall accompany the submission) and shall include at least the following:

1.   X        The title "Approval Not Required Plan drawn for **NAME OF OWNER**";
2.   X        Date, scale and North arrow;
3.   X        Zoning district, Tax Assessor's map and lot numbers, and location of any zoning district boundaries that may be within the locus of the plan (Approval Not Required (ANR) compliance is not indicative of zoning compliance);
4.   X        Any existing structures/septic systems on the land, including setback, side and rear yard designations;
5.   X        Remaining frontage of any adjoining land in the same ownership;
6.   X        Any existing structures/septic systems on any adjoining land in the same ownership;
7.   X        Names of present landowners and names of abutters from the most recent tax list;
8.   X        Location of any easement or ways, public or private, across the land with A designation as to its purpose;
9.   X        Bearings and distance of all lines of the lots shown on the plan;
10.   N/A        Notice of any decision by the Zoning Board of Appeals, including but not limited to variances and exceptions in regard to the land or any buildings thereon;
11.   X        A block with the statement "Approval Under the Subdivision Control Law Not Required" with sufficient space for the date and signatures of all Board members;
12.   X        A locus scale of 1" = 2,000' sufficient to identify the location of the property;
13.   X        The name, seal and signature of the Registered Professional Land Surveyor who prepared the 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) C. Dean Smith, Borrego Solar Systems, Inc.

Applicant's address 55 Technology Drive, Suite 102, Lowell, MA 01851

Telephone number (978) 221-3103 (Cell - 207-717-2887)

Address of property 140 Tihonet Road (Project Name, not actual street address)

Landowner's name A.D. Makepeace Co.

Owner's address 158 Tihonet Road, Wareham, MA 02571

Telephone number (508) 295-1000

Contact person James Kane Telephone (508) 295-1000

Map # 111 Lot # 1000F Zone R-60  
111 1000H  
& 112 1000

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

Comments (state reasons for denial or stipulations of approval)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**RECORD OF PLANNING BOARD PROCEEDINGS AND DECISIONS**  
**Town of Wareham Planning Board**

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

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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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_  
Chairman

Received by City/Town Clerk:

Date \_\_\_\_\_

Time \_\_\_\_\_

Signature \_\_\_\_\_

**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 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 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  
Street Name Application Form**

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

Applicant:

- Check with Planning Board or Board of Selectmen to determine availability of street names.
- One copy of this form, filled out and signed should be submitted with a completed application for Form A, Form B, or Form C.
- Note: Use this form for any new street name requests for public OR private ways.

**To the Planning Board:**

The undersigned applicant requests the Board's approval of the following proposed names of street(s) within the proposed subdivision shown on a plan entitled: \_\_\_\_\_ and dated \_\_\_\_\_.

**Proposed Street name(s):**

**Alternative name(s)**


Applicant's Signature: \_\_\_\_\_

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

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The Planning Board requests your comments on this application for approval of the above proposed street name(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please submit your comments to the Planning Board before: \_\_\_\_\_

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**Approved Name(s):** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Planning Board Signatures:**




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**Distribution List:****Board of Selectmen****Building Department****EMS****Police Department****Board of Health****Fire Department****Community Development****Wareham Historical Commission****Assessor's Office****Municipal Maintenance****Water Department**