

WAREHAM TOWN CLERK
2023 JUL 31 PM3:11

June 27, 2023

Ken Buckland
Department of Planning & Community Development
54 Marion Road
Wareham MA, 02571

Re: Quentin Way

Dear Mr. Buckland,

The definitive subdivision located at 24 Oak Street Map 39 Lot M-20-B approved on November 18, 2019 has not been able to be completed due to delays caused by COVID. We hereby request an extension be granted to November 18, 2024 due to this unprecedented time and disruption to available work solutions, travel and other unforeseen issues related to this project.

We appreciate the support and consideration of the planning board for an extension.

Thank you.

Sincerely,



David Mather

Form C-1
Planning Board
Town of Wareham, Massachusetts
Certificate of Approval of a Definitive Plan

November 18, 2019

Town Clerk
Town of Wareham
Wareham, Massachusetts

It is hereby certified by the Planning Board of the Town of Wareham, Massachusetts, that at a duly called and property posted meeting of said Planning Board, held on November 18, 2019, it was voted to approve a definitive subdivision plan entitled: Definitive Subdivision Plan of Land 24 Oak Street, Wareham, MA, prepared by: G.A.F. Engineering Inc., dated August 26, 2019 with latest revision November 14, 2019 submitted by David M. Mather, at address: 24 Oak Street, Wareham MA, owned by: SAME at address: SAME, originally filed with the Planning Board on September 23, 2019 concerning the property located 24 Oak Street and showing two proposed lots, with the following modifications:

1. Side slopes from the subdivision road will be graded to a maximum slope of 1.5:1 instead of 2:1 as indicated in the typical road section.

The Planning Board finds the following waivers from the Wareham Subdivision Rules & Regulations are in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law:

1. Section V.C.5.b. – Modified turn around for dead-end street
2. Section V.E.1. – Sewer easement 10ft in width
3. Section VI.A. – Modification of drainage system
4. Section VI.C.5. – Shoulders include drainage trench
5. Section VI.C.6 – Road surface to be reprocessed asphalt product
6. Section VI.D. – No street lights
7. Section VI.F. – No street trees
8. Section VI.G. – No sidewalks

and with the following condition(s): SEE ATTACHED

Endorsement of the approval is conditional upon the provision of a performance guarantee, in the form of a Covenant duly executed and approved, to be noted on the plan and recorded with the Plymouth County Registry of Deeds, said form of guarantee may be varied from time to time by the applicant subject to agreement on the adequacy and amount of said guarantee by the board. Modifications must also be shown on the plan before its endorsement and recording.

NOTE TO PLANNING BOARD: Conditions should be written on the endorsed plan which is recorded or should be set forth in a separate instrument, which could be a copy of the approval vote, and which should be referenced on the endorsed and recorded plan.

NOTE TO CLERK: The Planning Board should be notified immediately of any appeal to the Superior or Land Court on this subdivision approval made within the statutory twenty (20) day appeal period. If no appeal is filed with your office the Planning Board should be notified at the end of the twenty (20) day appeal period in order that the plan(s) may be endorsed.

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Wareham Planning Board

Michael Bessone
[Signature]
[Signature]

A true copy, attest:

[Signature]
Clerk, Planning Board

Date duplicate copy sent to applicant: _____

WAREHAM TOWN CLERK
2019 NOV 19 AM 9:56

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40 A of the Massachusetts General Laws.

Michael Bessone
Town Clerk

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

Name of Subdivision or Project: 24 Oak Street, Wareham

APPLICATION: FORM A _____ FORM B _____ FORM C X
 SITE PLAN REVIEW _____ OTHER _____

DATE SUBMITTED: 09/24/2019

DATE DECISION IS DUE: _____

DATE OF PUBLIC HEARING(S): 10/03/2019 & 10/10/2019

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 *MB* G. Barrett _____ M. King *MK* M. Bianco _____
R. Swenson _____ E. Deskalakis *ED*

FORM B:

M. Baptiste _____ G. Barrett _____ M. King _____ M. Bianco _____
R. Swenson _____ E. Deskalakis _____

FORM C:

M. Baptiste _____ G. Barrett _____ M. King _____ M. Bianco _____
R. Swenson _____ E. Deskalakis _____

SITE PLAN:

M. Baptiste _____ G. Barrett _____ M. King _____ M. Bianco _____
R. Swenson _____ E. Deskalakis _____

COMMENTS OR STIPULATIONS ON DECISION: _____

FORM F
COVENANT

December 9, 2019
Town of Wareham, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated October 21, 2019, to the Wareham Planning Board for approval of a definitive plan of a subdivision of land entitled: Definitive Subdivision Plan of Land Prepared for David M. Mather
plan by: G.A.F. Engineering, Inc., dated: November 14, 2019

and owned by: David M. & Lisa Renee Mather
address: 6412 Ledge Mountain Drive, Austin, TX 78731
land located: 24 Oak Street
and showing Two proposed lots. The undersigned has requested the Planning board to approve such plan without requiring a performance bond.

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

1. That the undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

*If there is more than one owner, all must sign. "Applicant" may be an owner or representative, or his assigns, but the owner of record must sign the covenant.
2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The Application for Approval of Definitive Plan (Form C).
 - b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
 - c. The certificate of approval and the conditions of approval specified therein, issued by the Planning Board, dated November 18, 2019
 - d. The definitive plan as approved and as qualified by the certificate of approval.

e. Other document(s) specifying construction to be completed, namely:

However, a mortgagee who acquired title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing 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 forewith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.
9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before December 2021 the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L. Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.


For title to the property, see deed from the Donahue Family Living Trust
dated August 30, 2018 recorded in Plymouth County Registry of
Deeds, Book 50233, Page 271, 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 [No mortgage]
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.

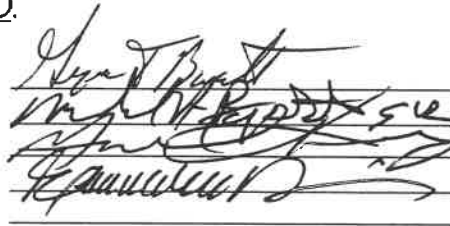
IN WITNESS WHEREOF we have hereunto set our hands and seals this 9th
of December, 2020.



Owner

Spouse of Owner

Mortgage



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

COMMONWEALTH OF MASSACHUSETTS

On this 9th day of December, 2019, before me, the undersigned notary public, personally appeared David Mather, proved to me through satisfactory evidence of identification, which were 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.

Cassandra Slaney
Signature of Notary Public

My commission expires 11-20-20

