

August 29, 2023

PB# 13-23

Planning office

Wareham Planning Board  
Town Hall  
54 Marion Road  
Wareham, MA 02571

**RE: Approval Not Required Plan  
434 Main Street, 219A&B High Street, 221A&B High Street  
& 223A&B High Street  
Map 61, Lots 1057.A, 1057.B, 1057.C & 1057.D  
G.A.F. Job. No. 21-9751**

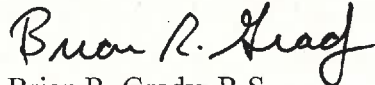
Dear Members of the Planning Board:

Pursuant to the Town of Wareham's Rules and Regulations governing the Subdivision of Land, G.A.F. Engineering, Inc., on behalf of our client, Nazih B. Elkallassi, we respectfully submit the following:

1. One original and eight copies of the Form A - Application for endorsement of plan believed not to require approval.
2. Nine (9) copies of the Approval Not Required plan dated February 18, 2022 and Revised July 18, 2023.
3. Original mylar of the Approval Not Required plan dated Revised July 18, 2023..
4. Tax Verification Form. - 9 Copies
5. ANR checklist. - 9 Copies
6. Record of Planning Board Proceedings.
7. ANR/Subdivision/Site Plan Review Form
8. Check #3038 in the amount of \$150.00 for filing fees. No new lots are created by this plan.

The purpose of this plan is to reconfigure the lots shown on a plan previously endorsed on March 23, 2022 and recorded with the Registry of Deeds in Plan Book 66, Page 97. Should you have any questions regarding this proposed project, please do not hesitate to call.

Sincerely,  
**G.A.F. Engineering, Inc.**

  
Brian R. Grady, R.S.

Enclosure

cc: Town Clerk  
Nazih Elkallassi



**ENGINEERING,  
INC.**

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**ENGINEERS  
SURVEYORS**

266 MAIN ST.  
WAREHAM, MA 02571

TEL 508.295.6600  
FAX 508.295.6634



**FORM A**

**APPLICATION FOR ENDORSEMENT OF PLAN  
BELIEVED NOT TO REQUIRE APPROVAL**

To The Planning Board of the 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 WAREHAM zoning bylaw/ordinance under Section 620 which requires 75 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 of Town Clerk certifies is maintained and used as a public way, namely High Street and Main Street, 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 \_\_\_\_\_ zoning bylaw/ordinance under Section 620 which requires \_\_\_\_\_ 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:  
\_\_\_\_\_

Nazih B. Elkallassi  
APPLICANT'S NAME - PLEASE PRINT

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

The owner's title to the land is derived under deed from Marie S. Cooney, Tr. Marie S. Cooney Revocable Trust & Nazih Elkallassi  
dated September 8, 2021, and recorded in PLYMOUTH COUNTY,  
Registry of Deeds, Book 55716/57903 \*, Page 321/75 or Land Court Certificate of Title No. \_\_\_\_\_  
Registered in \_\_\_\_\_ District Book \_\_\_\_\_, Page \_\_\_\_\_ and \_\_\_\_\_ Assessors'  
Map 61 Lots 1057.A, 1057.B, 1057.C, 1057.D

WAREHAM TOWN CLERK  
2023 SEP 14 PM4:04

Received by City/Town Clerk: \_\_\_\_\_  
Date \_\_\_\_\_  
Time \_\_\_\_\_  
Signature \_\_\_\_\_  
Treasurers' Office: \_\_\_\_\_  
Date: \_\_\_\_\_

Applicant's signature \_\_\_\_\_  
Applicant's address 20 Tower Terrace  
Wareham, MA 02571  
Applicant's phone # \_\_\_\_\_  
Owner's signature and address if not the applicant or  
Applicant's authorization, if not the owner  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
SEP 8 2023  
By Yanni Raposo  
Planning Dept.

**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) Nazih B. Elkallassi

Applicant's address 20 Tower Terrace, Wareham, MA 02571

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

Address of property Main Street and High Street, Wareham, MA

Landowner's name Nazih B. Elkallassi & NBE Holdings, LLC

Owner's address 20 Tower Terrace, Wareham, MA 02571

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

Contact person Brian Grady, GAF Engineering Telephone 508-295-6600

Map # 61 Lots # 1057.A, 1057.B, 1057.C & 1057.D Zone Wareham Village II

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

Comments (state reasons for denial or stipulations of approval)

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

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## 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. ✓ The title "Approval Not Required Plan drawn for **NAME OF OWNER**";
2. ✓ Date, scale and North arrow;
3. ✓ 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 compliance is not indicative of zoning compliance);
4. ✓ Any existing structures/septic systems on the land, including setback, side and rear yard designations;
5. ✓ Remaining frontage of any adjoining land in the same ownership;
6. ✓ Any existing structures/septic systems on any adjoining land in the same ownership;
7. ✓ Names of present landowners and names of abutters from the most recent local tax list;
8. ✓ Location of any easement or ways, public or private, across the land with a designation as to its purpose;
9. ✓ Bearing and distances of all lines of the lots shown on the plan;
10. ✓ 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. ✓ 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. ✓ A locus at a scale of 1"=2000' sufficient to identify the location of the property;
13. ✓ The name, seal and signature of the Registered Professional Land Surveyor who prepared the plan.

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

Name of Subdivision or Project: 434 Main St., 219A+B St., 221 A+B High St.,  
+ 223 A+B High Street

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. King \_\_\_\_\_ M. Baptiste \_\_\_\_\_ J. Gleason \_\_\_\_\_  
S. Quirk \_\_\_\_\_ S. Corbitt \_\_\_\_\_ C. Schulz \_\_\_\_\_

FORM B:

M. King \_\_\_\_\_ M. Baptiste \_\_\_\_\_ J. Gleason \_\_\_\_\_  
S. Quirk \_\_\_\_\_ S. Corbitt \_\_\_\_\_ C. Schulz \_\_\_\_\_

FORM C:

M. King \_\_\_\_\_ M. Baptiste \_\_\_\_\_ J. Gleason \_\_\_\_\_  
S. Quirk \_\_\_\_\_ S. Corbitt \_\_\_\_\_ C. Schulz \_\_\_\_\_

SITE PLAN:

M. King \_\_\_\_\_ M. Baptiste \_\_\_\_\_ J. Gleason \_\_\_\_\_  
S. Quirk \_\_\_\_\_ S. Corbitt \_\_\_\_\_ C. Schulz \_\_\_\_\_

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.