



2022 00031302

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Recorded: 04/12/2022 02:59 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

pl 22-144

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

Planning Board  
54 Marion Road  
Town Hall  
Wareham, Massachusetts 02540

**Date: February 23, 2022**

**To the Town Clerk of the Town of Wareham, Massachusetts:**

It is hereby certified by the Planning Board of the Town of Wareham, Massachusetts, that at a duly called and properly posted meeting of the Planning Board, held on 1/10/2022, the Board voted to approve a definitive subdivision plan. Details of the subdivision are as follows:

- **Subdivision Name: Tobia Way**
- **Wareham Petition Number: #37-21**
- **Current Map/Lot: Map 40, Lots 1002, 1020**
- **Prepared by: JC Engineering, Wareham, MA**
- **Dated: October 19, 2021**
- **Subdivision Address: 5 & 0 Crooked River Road, Wareham, MA**
- **Number of Lots: 2**
- **Subdivision Road Name[s]: Tobia Way**
- **Applicant Name: Christian E. Tobia**
- **Applicant Address: 5 Crooked River Road, Wareham, MA**
- **Property Owner Name: Christian Tobia**
- **Property Owner Address: 5 Crooked River Road, Wareham, MA**
- **Date filed with the Wareham Planning Board: October 19, 2021**
- **Date duly advertised Public Hearing was opened: December 13, 2021**
- **Date duly advertised Public Hearing was closed: January 10, 2022**
- **Dates of Public Hearings: December 13, 2021 & January 10, 2022**

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 the agreement on the adequacy and amount of said guarantee by the board.

**M.R.** BOOK 43844  
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## **WAIVERS**

The Board approved the following waivers, and determined these were in the public interest for the reasons discussed at the public hearing:

1. A waiver for installing street lights.
2. A waiver for installing street trees.
3. A waiver for installing sidewalks.
4. A waiver for installing concrete curbing on both sides of the road. A cape cod berm is proposed along one side of the road.
5. A waiver for installing fire alarms.
6. A waiver for installing sewer pipes. Town sewer is not available for this area.  
NOTE: this waiver request was not necessary, and not addressed by the board
7. A waiver for installing an 18-foot wide road. A 12-foot wide road is proposed, as only one single-family dwelling will utilize this road.
8. A waiver for the dead-end turn around having an outside diameter of 100'. A turn around are has been provided and accepted by the Wareham Fire Department.

## CONDITIONS:

1. Construction shall substantially conform to the approved Subdivision Plan dated October 19, 2021 revised on January 6, 2022, titled "Definitive Subdivision Plan of Land of Tobia Way", prepared by JC Engineering of 2854 Cranberry Highway, East Wareham, MA 02538, except as modified by the below listed conditions.
2. Upon completion, an "As Built" plan be submitted to the Planning Board for review.
3. 2 physical copies and 1 electronic copy of all the final paperwork that the applicant submitted to the Registry of Deeds, and was stamped as received, will be delivered by the applicant to the Wareham Planning Office within 30 days of final plan recording at the Plymouth Country Registry of Deeds.
4. 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.
5. The applicant shall identify the responsible party who will be responsible for the required inspections and maintenance of the storm water system as delineated on the approved plan after the construction is complete and the complex has been accepted.
6. Required Inspection Conditions:
  - With the final approval of the Subdivision Plan, the applicant shall work with the Planning Board or their designee 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.
  - The applicant shall request a final inspection from the Planning Board or their designee and Director of Municipal Maintenance.
  - Prior to the release of any covenant or other security for the Subdivision, the final inspections reports from the Planning Board or their designee and Director of Municipal Maintenance must state that all requirements and conditions in the Subdivision Plan and this Certificate of Approval have been satisfied.
  - The applicant shall provide copies of the final inspection reports to the Wareham Planning Office within 30 days of the last inspection.
7. All rubbish, rubble, metals, stumps, and other debris shall be removed and properly disposed off-site.
8. The developer/applicant will provide a "port-a-potty" on site for the use of construction crews.
9. No work will be permitted on Sundays and legal holidays unless specific approval is granted by the Town of Wareham's Zoning Enforcement Officer. Work hours shall be from 7:00 AM to 5:00 PM.

10. Approvals and conditions from all other applicable Town Departments, Town Boards, Town Commissions and State agencies shall be made part of these conditions.
11. A restriction on the road shall be filed on the deed that restricts all access to the subdivision road and utilities except for the lots within the approved subdivision.
12. Before the Planning Board signs the definitive subdivision plan, the applicant/developer must get approval from the Wareham Police Department and Emergency Medical Services, that the road name is accepted by these services.

#### **SUBDIVISION PLAN UPDATE REQUIREMENTS**

Any updates to the plans, identified as required by the Wareham Planning Board at the time of the issuance of this Certificate of Approval, that need to be made to the final mylar plan set.

1. Plans to be updated to reflect that the paved waterways be modified to include the size of stone to be used and that they be wrapped in filter fabric. The fabric should extend to the top of the binder course of mix to be used in the pavement where it can be tacked and sealed. The wearing surface should then be placed over the tacked fabric.

## DECISIONS

- Topic: Rescind existing subdivision plan
- Motion: To rescind the existing subdivision granted to Robert Brighetti in 1974 for lot 1022 and recorded in the Plymouth County Registry of Deeds in Plan Book 18, Page 135.

Wareham Planning Board Member 1/Chairperson	Vote:	Yay
Wareham Planning Board Member 2	Vote:	Yay
Wareham Planning Board Member 3	Vote:	Yay
Wareham Planning Board Member 4	Vote:	Yay
Wareham Planning Board Member 5	Vote:	Yay

### **Vote (5-0-0)**

- Final Overall Approval: Compliance with Wareham Subdivision Rules and Regulations, Town By-Laws, and Zoning By-Laws
- Motion: Motion to approve the Subdivision application for the subdivision known as Tobia Way, with all waivers and conditions listed herein.

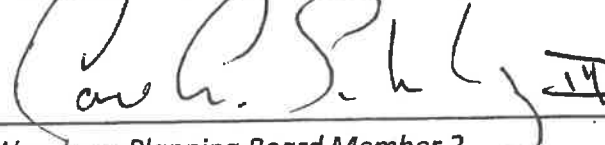
Wareham Planning Board Member 1/Chairperson	Vote:	Yay
Wareham Planning Board Member 2	Vote:	Yay
Wareham Planning Board Member 3	Vote:	Yay
Wareham Planning Board Member 4	Vote:	Yay
Wareham Planning Board Member 5	Vote:	Yay

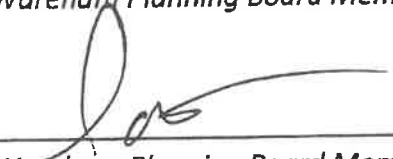
### **Vote (5-0-0)**

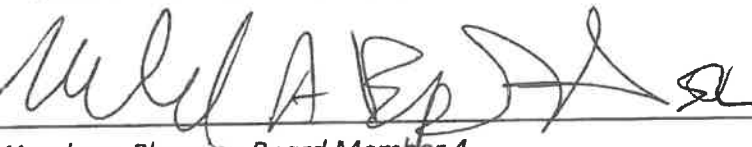
**SIGNATURES:**

Submitted By the Wareham Planning Board:

  
Wareham Planning Board Member 1/Chairperson 1/25/22  
Date

  
Wareham Planning Board Member 2 1/25/22  
Date

  
Wareham Planning Board Member 3 21-22  
Date

  
Wareham Planning Board Member 4 2/22/22  
Date

  
Wareham Planning Board Member 5 2/24/2022  
Date

A true copy, Attest:

  
Wareham Town Clerk 2/23/2022  
Date

Duplicate Copy Sent to by Registered Mail:

- Applicant: Christian Tobia
- Engineer/Surveyor: JC Engineering

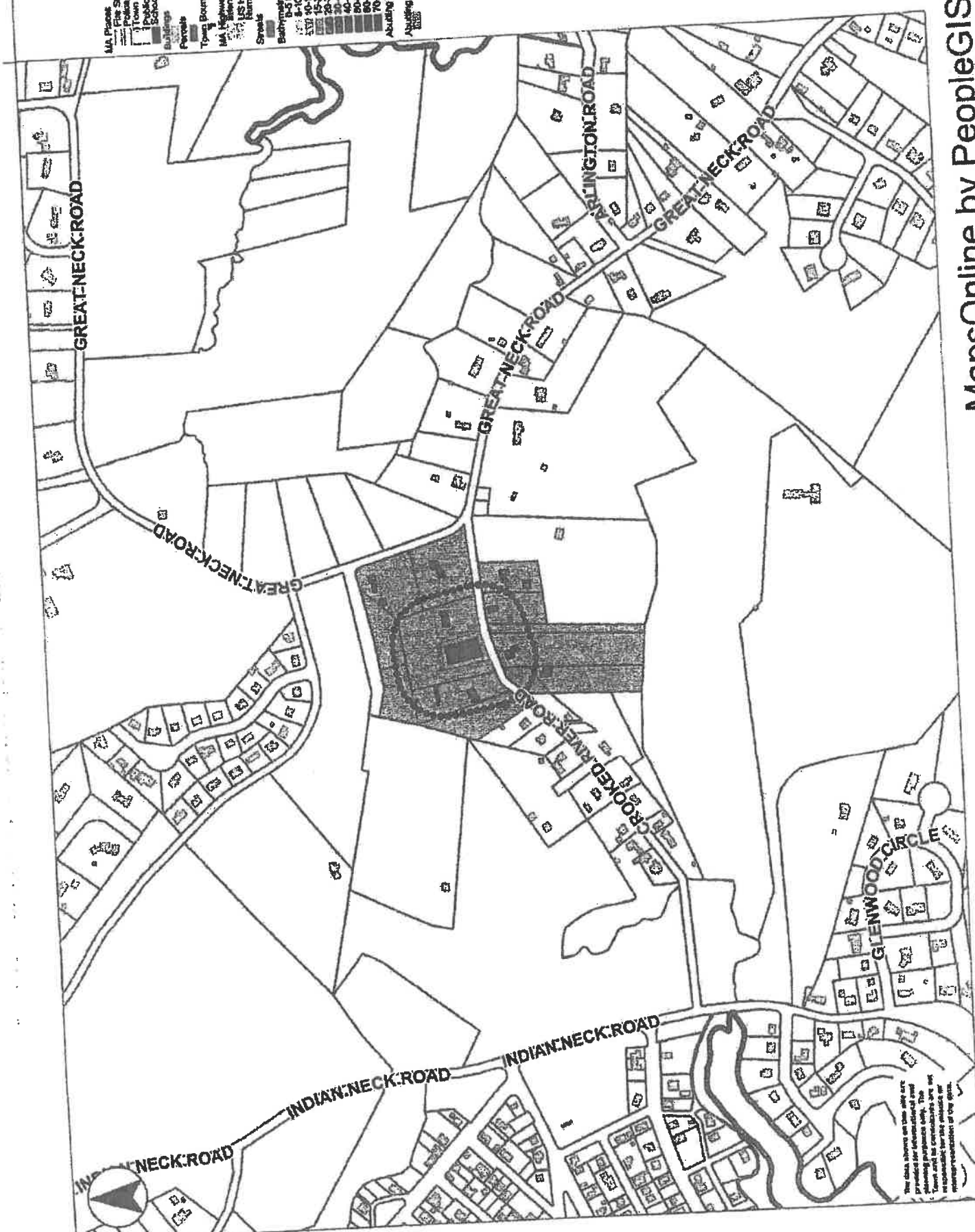
I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.

  
Town Clerk

WAREHAM TOWN CLERK  
2022 FEB 23 AM 1:3

TOWN OF WAREHAM ABUTTERS							
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE	
MAP 40 LOT 1002 300'							
OWNER CHRISTIAN E TOBIA							
40-1003/C	CAMANDONA KAREN L		PO BOX 5	WAREHAM	MA	02571	
40-1003/D	CARR RYAN M		7 CROOKED RIVER RD	WAREHAM	MA	02571	
40-1013/C	TOWN OF WAREHAM		54 MARION RD	WAREHAM	MA	02571	
37-1025	GORDON CLAIRE H LIFE ESTATE		14 CROOKED RIVER RD	WAREHAM	MA	02571	
37-1022	CAPACHIONE MICHAEL J	CAPACHIONE PATRICIA A	12 CROOKED RIVER RD	WAREHAM	MA	02571	
40-1002	TOBIA CHRISTIAN E		5 CROOKED RIVER RD	WAREHAM	MA	02571	
37-1021	BESSE G MICHAEL TRUSTEE	0 CROOKED RIVER ROAD TRUST	PO BOX 232	ONSET	MA	02558	
40-1001	GORDON PETER W	GORDON THERESA A	3 CROOKED RIVER RD	WAREHAM	MA	02571	
37-1020	RAYMOND ROXANNE	RAYMOND TIM	8 CROOKED RIVER RD	WAREHAM	MA	02571	
40-1013/A	FITZGERALD SCOTT M	FITZGERALD VERONICA L	89 GREAT NECK RD	WAREHAM	MA	02571	
37-1018	DRUM MICHAEL P	DRUM SCOTT E TRUSTEES	6 CROOKED RIVER RD	WAREHAM	MA	02571	
40-1000	KISSELL DENISE M	THOMPSON JASON B	91 GREAT NECK RD	WAREHAM	MA	02571	
CERTIFIED ABUTTERS AS THEY							
APPEAR ON OUR TAX ROLLS							
AS OF 8/31/2021							
<i>G. P. ...</i>							
ASSESSORS OFFICE							
REQUESTED BY							
SAM JAMELE JC ENGINEERING INC							
508 273-0377							
SIAMELE@JCENG.ORG							

- MA. Plane
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parcels
- Town Boundary
- MA. Highways
- US Highways
- Intermodal Routes
- Streets
- Barthymetry
- 0-5 R
- 6-10 R
- 11-15 R
- 16-20 R
- 21-25 R
- 26-30 R
- 31-35 R
- 36-40 R
- 41-45 R
- 46-50 R
- 51-55 R
- 56-60 R
- 61-65 R
- 66-70 R
- 71-75 R
- 76-80 R
- 81-85 R
- 86-90 R
- 91-95 R
- 96-100 R
- Abutting Town Labels
- Abutting Towns



The data shown on this site are provided for informational and planning purposes only. The user shall be responsible for the accuracy and interpretation of the data.



in the Plymouth County Registry of Deeds in Plan Book 18, Page 135. See Decisions section in this Certificate of Approval.

