

Form C-1

Planning Board
Town of Wareham, Massachusetts
Certificate of Approval of a Definitive Subdivision Plan

WAREHAM TOWN CLERK
2022 MAR 3 PM2:42

Town Clerk
Town of Wareham
54 Marion Road
Wareham, Massachusetts

Date: February 29, 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 said Planning Board, held on 2/28/22, it was voted to approve a definitive subdivision plan. Details of the subdivision are as follows:

- Subdivision Name: Maritime Haven
- Wareham Petition Number: #32-21
- Current Map/Lot: Map 4, Lots A, B, C
- Prepared by: G.A.F. Engineering of 266 Main Street, Wareham, MA 02571
- Dated: December 2, 2021, revised on January 4, 2022 and January 18, 2022
- Subdivision Address: 36, 42, 48 Robinwood Road, Wareham, MA 02571
- Number of Lots: 7
- Subdivision Road Name: Haven Court
- Applicant Name: RESI, LLC.
- Applicant Address: 2 Providence Street, Providence, RI 02904
- Property Owner Name: RESI, LLC.
- Property Owner Address: 2 Providence Street, Providence, RI 02904
- Date filed with the Wareham Planning Board: September 20, 2021
- Date duly advertised Public Hearing was opened: October 18, 2021
- Date duly advertised Public Hearing was closed: February 14, 2022
- Dates of Public Hearings: October 18, 2021, November 8, 2021, November 22, 2021, December 13, 2021, January 10, 2022, January 24, 2022, February 14, 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.

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 requiring catch basins on both sides of the street every 400' and instead country drainage and swales without curbing per the Site Plans dated February 22, 2022.
2. A waiver for requiring 3' wide shoulders on each side of the roadway and 3" in height above the gutter line.
3. A waiver for requiring 5' wide sidewalks on at least one side of the street
4. A waiver for requiring precast concrete or granite curb on each side of the street
5. A waiver for requiring installation of fire alarm circuit and 1 fire alarm for each 500' of street.
6. A waiver for streetlights with the exception of a streetlight at the intersection of Robinwood Road.

CONDITIONS:

1. Construction shall substantially conform to the approved Subdivision Plan dated August 25, 2021 with the latest revision on February 22, 2022 , titled "Maritime Haven", prepared by G.A.F Engineering of 266 Main Street, Wareham, MA 02571 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 the approval shall be rescinded.
5. 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 shall 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.
6. The applicant shall identify the entity or person(s) 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.
7. 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.

8. All rubbish, rubble, metals, stumps, and other debris shall be removed and properly disposed off-site.
9. The developer/applicant will provide a "port-a-potty" on site for the use of construction crews.
10. 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.
11. Approvals and conditions from all other applicable Town Departments, Town Boards, Town Commissions and State agencies shall be made part of these conditions.
12. 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.
13. The developer/applicant shall be responsible for damage and maintenance of any roads used during the construction of Maritime Haven.
14. The applicant shall file for a curb cut permit from the Department of Municipal Maintenance before commencing any work within the limits of town or public ways or streets.
15. Approval of the force main sewer line location, construction and maintenance shall be subject to the requirements of the Sewer Department.
16. Robinwood Road shall be cleared of brush and debris to the extent practicable on the subject property side of the road to improve the movement of traffic. Large trees that enhance the site shall be left in place.

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 before endorsement.

1. The construction of drainage trenches along the proposed road shall provide direct contact between the stone and the medium sand as noted in the test logs shown on the project plans.
2. The yard drains shown on Sheet 7 of 9 of the plan set shall be installed as noted on the plans. Development of lots where they are located shall include the maintenance of the drains for more sustainable recharge of surface water but may be adjusted for location based on final grading of each lot.
3. The base gravel shown in the cross section for the road on Sheet 8 of the plan set shall be fine graded to a depth of 8 inches below finish surface grade prior to the placement of dense graded material shown in the cross section.

DECISIONS

- **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 Maritime Haven, with all waivers and conditions listed herein.**


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

Vote 5-0-0

SIGNATURES:

Submitted By the Wareham Planning Board:


Wareham Planning Board Member 1/Chairperson
3/3/2022
Date


Wareham Planning Board Member 2
3/1/2022
Date


Wareham Planning Board Member 3
3-2-22
Date

Wareham Planning Board Member 4
Date

Wareham Planning Board Member 5
Date


A true copy, Attest:


Wareham Town Clerk
April 1, 2024
Date

Duplicate Copy Sent to by Registered Mail:

- Applicant: RESI, LLC
- Engineer/Surveyor: G.A.F. 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 40 A of the Massachusetts General Laws.


Town Clerk
April 1, 2024

TOWN OF WAREHAM ABUTTERS									
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE			
MAP 4 LOT A 300'									
OWNER RESI LLC									
3-LC34	MUSSULLI MATTHEW L	MUSSULLI GERALDINE LIFE ESTATE	36 HIGHLAND ST	MILFORD	MA	01757			
3-LC35	SULLIVAN LORNA L ET ALS	C/O JOANNA MUSSULLI MORAN	41 ROBINWOOD RD	BUZZARDS BAY	MA	02532			
3-H1/B	BESSE G MICHAEL	BESSE ROBERTA E LIFE ESTATE	PO BOX 232	ONSET	MA	02558			
3/I	MACKENZIE JEAN R		8 FOREST ST	BUZZARDS BAY	MA	02532			
4-33	LAVALLEE JOHN J	LAVALLEE MARYANN	51 ROBINWOOD ROAD	WAREHAM	MA	02532			
4/A	RESI LLC		2 CHARLES ST	PROVIDENCE	RI	02904			
4-D1	BOTELHO MANUEL L & CYNTHIA A TRS	OF THE ROBINWOOD ROAD REALTY TR	52 ROBINWOOD RD	BUZZARDS BAY	MA	02532			
4-3	VITALE RICHARD D TRUSTEE	OLIVEIRA 2013 IRREV INCOME ONLY TR	24 WHITTIER RD	MEDFORD	MA	02155			
4-4	LOTFI ALI	LOTFI DENISE L	92 SHADY HILL RD	WESTON	MA	02493			
4/G	32 ROBINWOOD LLC	C/O MARLENE B ARON	855 WORCESTER RD	FRAMINGHAM	MA	01701			
CERTIFIED ABUTTERS AS THEY									
APPEAR ON OUR TAX ROLLS									
AS OF 8/18/2021									
<i>Ray Ronier Atkins</i>									
ASSESSORS OFFICE									
REQUESTED BY									
BOB ROGERS G.A.F. ENGINEERING, INC.									
508 295-6600									
BOB@GAFENGINEERING.COM									

TOWN OF WAREHAM ABUTTERS						
MAP 4 LOT B 300'						
OWNER RESI LLC						
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
3-1C35	SULLIVAN LORNA L ET ALS	C/O JOANNA MUSSULLI MORAN	41 ROBINWOOD RD	BUZZARDS BAY	MA	02532
3/1	MACKENZIE JEAN R		8 FOREST ST	BUZZARDS BAY	MA	02532
4-33	LAVALLEE JOHN J	LAVALLEE MARYANN	51 ROBINWOOD ROAD	WAREHAM	MA	02532
4/B	RESI LLC		2 CHARLES ST	PROVIDENCE	RI	02904
4-1	AVILA THOMAS J JR	AVILA LORIANNE TRUSTEES	PO BOX 1632	ONSET	MA	02558
4-D1	BOTELHO MANUEL L & CYNTHIA A TRS	OF THE ROBINWOOD ROAD REALTY TR	52 ROBINWOOD RD	BUZZARDS BAY	MA	02532
4-3	VITALE RICHARD D TRUSTEE	OLIVEIRA 2013 IRREV INCOME ONLY TR	24 WHITTIER RD	MEDFORD	MA	02155
4-4	LOTFI ALI	LOTFI DENISE L	92 SHADY HILL RD	WESTON	MA	02493
4/G	32 ROBINWOOD LLC	C/O MARLENE B ARON	855 WORCESTER RD	FRAMINGHAM	MA	01701
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 8/18/2021						
<i>M. Renee Abian</i>						
ASSESSORS OFFICE						
REQUESTED BY						
BOB ROGERS G.A.F. ENGINEERING, INC.						
508 295-6600						
BOB@GAFENGINC.COM						

TOWN OF WAREHAM ABUTTERS									
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE			
MAP 4 LOT C 300'									
OWNER RESI LLC									
3/1	MACKENZIE JEAN R		8 FOREST ST	BUZZARDS BAY	MA	02532			
4-33	LAVALLEE JOHN J	LAVALLEE MARYANN	51 ROBINWOOD ROAD	WAREHAM	MA	02532			
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4/C	RESI LLC		2 CHARLES ST	PROVIDENCE	RI	02904			
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4/G	32 ROBINWOOD LLC	C/O MARLENE B ARON	855 WORCESTER RD	FRAMINGHAM	MA	01701			
CERTIFIED ABUTTERS AS THEY									
APPEAR ON OUR TAX ROLLS									
AS OF 8/18/2021									
<i>M. Pamela Atkins</i>									
ASSESSORS OFFICE									
REQUESTED BY									
BOB ROGERS G.A.F. ENGINEERING, INC.									
508 295-6600									
BOB@GAFENGINEERING.COM									

FORM F

COVENANT

Town of Wareham, Massachusetts

KNOW ALL MEN by these presents that the undersigned has submitted an application dated August 30, 2021 to the Wareham Planning Board for approval of a Definitive Plan of a subdivision of land entitled Maritime Haven, plan by G.A.F. Engineering, dated: August 25, 2021 revised: February 22, 2022 and owned by: RESI, LLC, address 2 Charles Street, Providence, RI 02904 land located: 36, 42, 48 Robinwood Road and showing: 7 proposed residential lots and 0 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 "Lot 48", as referenced on the approved definitive subdivision plan, 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 February 28, 2022.
 - 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 two years from the approval of the definitive subdivision plan 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 District of the Land Court as, Documents Number: 812350, 812354 and 812346.

The present holders of mortgages upon the property are:

Lima One Capital LLC of 201 East McBee Ave., Suite 300, Greenville SC, 29601. The mortgage is dated 2/26/2021 and recorded in Plymouth Land Registry as Document No. 812347 and noted on Certificate of Title No. 131653 in Registration Book 658, Page 53.

Patch Lending LLC. of 15000 Ventura Blvd., Suite 300, Sherman Oaks, CA 91403. The mortgage is dated 1/25/2022 and recorded in Plymouth Land Registry as Document No. 827616 and noted on Certificate of Title No. 131654 in Registration Book 658, Page 54.

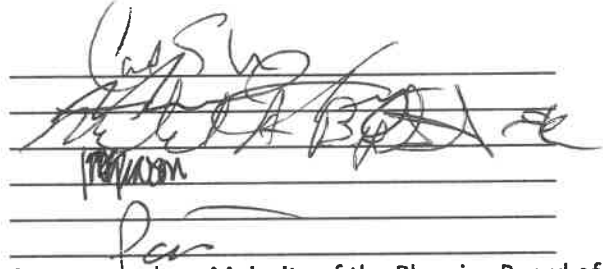
FTF Lending LLC. of 1300 East 9th St., Suite 800, Cleveland, OH 44114. The mortgage is dated 2/9/2022 and recorded in Plymouth Land Registry as Document No. 828307 and noted on Certificate of Title No. 131655 in Registration Book 658, Page 55.

U:\Planning\SRaposo\PB Decisions\2021\32-21 RESI LLC Covenant.docx

IN WITNESS HEREOF we have hereunto set our hands and seals this _____ of
February 28, 2022.

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: _____

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 2283CV00179

I, Kevin Riordan, Assistant Clerk of said Court, hereby certify that in the action duly entered in said Court on the Twenty-Seventh day of March, 2024, by complaint filed by:

32 Robinwood, LLC, et al

Plaintiffs,

VS.

Town of Wareham Planning Board et al

Defendants

On February 12, 2024, upon agreement for judgment or stipulation of dismissal an Order for Entry of Dismissal was issued.

On February 14, 2024 upon agreement Stipulation of Dismissal was filed by both parties.

On March 11, 2024, clerk's notice issued regarding stipulation of dismissal.

Witness my hand and the seal of said Court
this Twenty-Seventh day of March , Two Thousand and
Twenty-Four



Kevin Riordan
Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT DEPARTMENT
DOCKET NO. 2283CV00179

32 Robinwood, LLC., Robert L. Aron &)
Marlene B. Aron,)
) **Plaintiffs**)
))
vs.))
))
Town of Wareham Planning Board,)
Richard Swenson, Michael King, Sam)
Corbit, Carl Shulz, Michael A. Baptiste,)
Sr., Jane Gleason and RESI, LLC.,)
) **Defendant**)

STIPULATION OF DISMISSAL

The parties to the above-entitled action, pursuant to the provisions of Mass. R. Civ. P. 41(a) (1) (ii), hereby stipulate that said action be dismissed with prejudice and without costs or attorney’s fees and with all right of appeal waived.

Attorney for the Defendant
RESI, LLC

Thomas P. Jay Jr

Thomas P. Jay, Jr., Esquire
GAY & GAY, P.C.
73 Washington St, P.O. Box 988
Taunton, MA 02780
(508) 822-2071
BBO #685495

Attorney for the Plaintiffs
Jonathan D. Friedmann


Jonathan D. Friedmann, Esquire
Rudolph Friedmann, LLP
92 State Street
Boston, MA 02109
BBO #180130

Attorney for Defendants, Town of Wareham Planning
Board and Planning Members

Richard P. Bowen

Richard P. Bowen, Esquire
Law Office of Richard Bowen
28 Stockbridge Road
Scituate, MA 02066
BBO # 552814

February 14, 2024

ORDER FOR ENTRY OF DISMISSAL NISI	DOCKET NUMBER 2283CV00179	Trial Court of Massachusetts The Superior Court 	
CASE NAME: 32 Robinwood, LLC et al vs. Town of Wareham Planning Board et al		Robert S. Creedon, Jr., Clerk of Courts Plymouth County	
TO: Thomas Paul Gay, Jr., Esq. Gay and Gay P.C. 73 Washington St PO Box 988 Taunton, MA 02780		COURT NAME & ADDRESS Plymouth County Superior Court - Brockton 72 Belmont Street Brockton, MA 02301	
<p>The above entitled action came on before the court, Hon. William F Sullivan, and there upon was reported settled by counsel of record.</p> <p>It is ORDERED that an AGREEMENT FOR JUDGMENT or STIPULATION OF DISMISSAL, be filed in the Clerk's office by 03/12/2024.</p> <p>If said Agreement or Stipulation is not filed by said date the Clerk is hereby directed to prepare, sign and enter Judgment dismissing the Complaint, and all other claims, without prejudice and without statutory costs.</p>			
DATE ISSUED 02/12/2024	ASSOCIATE JUSTICE Hon. William F Sullivan	ASSISTANT CLERK	SESSION PHONE# (508)583-8250

CLERK'S NOTICE

DOCKET NUMBER

2283CV00179

**Trial Court of Massachusetts
The Superior Court**



CASE NAME:

32 Robinwood, LLC et al vs. Town of Wareham Planning Board et al

Robert S. Creedon, Jr., Clerk of Courts
Plymouth County

TO: Thomas Paul Gay, Jr., Esq.
Gay and Gay P.C.
73 Washington St
PO Box 988
Taunton, MA 02780

COURT NAME & ADDRESS

Plymouth County Superior Court - Brockton
72 Belmont Street
Brockton, MA 02301

You are hereby notified that on 02/14/2024 the following entry was made on the above referenced docket:

Party(s) file Stipulation of Dismissal

Applies To: 32 Robinwood, LLC (Plaintiff); Aron, Marlene B (Plaintiff); Michael King As member of The Town of Wareham Planning Board (Defendant); Sam Corbit As member of The Town of Wareham Planning Board (Defendant); Michael A Baptiste, Sr. As member of The Town of Wareham Planning Board (Defendant); RESI, LLC (Defendant); Bowen, Esq., Richard P (Attorney) on behalf of Michael A Baptiste, Sr. As member of The Town of Wareham Planning Board, Michael King As member of The Town of Wareham Planning Board, Town of Wareham Planning Board (Defendant)

DATE ISSUED

03/11/2024

ASSOCIATE JUSTICE/ ASSISTANT CLERK

SESSION PHONE#

(508)583-8250