**MINUTES OF MEETING OF WAREHAM PLANNING BOARD**

**Date of Meeting: August 14, 2017**

1. **CALL MEETING TO ORDER**

The meeting was called to order at 7:00 P.M.

1. **ROLL CALL**

Members present: George Barrett

Michael Baptiste, Acting Chairman

Mike Fitzgerald

Emmanuel Daskalakis

Marc Bianco, Associate Member

Alan Slavin, BOS Liaison

Members absent: John Cronan

Also present: Ken Buckland, Town Planner

 Charles Rowley, Town Review Engineer

 Richard Bowen, Town Attorney

1. **PRELIMINARY BUSINESS**
2. **Meeting Minutes:**
* **July 24, 2017**

**MOTION: Motion made and seconded to approve the minutes of July 24, 2017.**

**VOTE: (5-0-0)**

* **Executive Session Minutes: February 23, 2016, March 28, 2016, April 27, 2016**
1. **Bond Approval and Plan Endorsement – Thacher Lane**

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.

 Richard Mansfield

**MOTION: A motion is made and seconded to approve the bond.**

**VOTE: (5-0-0)**

1. **Site Plan Modification – Kevin Oliveira – 6 Recovery Road**

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.

Mr. Rogers states there have been revised plans submitted to the Planning Board regarding this project. The site is larger by 2,000s.f. with the same layout as previously proposed. The architecture is different and the plans have been changed to reflect this. There are new stormwater management calculations as well as new landscape plans. The applicant is requesting a hearing date for the major modification.

**MOTION: Mr. Baptiste moves to set the public hearing date for September 25, 2017. Mr. Cronan seconds.**

**VOTE: (5-0-0)**

1. **PUBLIC HEARINGS**
2. **CONTINUED PUBLIC HEARINGS**
3. **Bay Pointe – Bay Pointe Drive – Special Permit, Site Plan Review & Definitive Subdivision**

Present before the Board: Tim Fay, Stonestreet Corporation

 Tom Principe, Principe Engineering

 John Drew, Attorney

 Richard Serkey, Attorney

 Don Laten, Beta Engineering

 Richard Bowen, Town Attorney

 Mark Bobrowski, Mediator

Mr. Cronan states that he has listened to the tape of the previous hearing and may sit in on this public hearing. Mr. Barrett states in the packets there are draft decisions for the Definitive Subdivision as well as the Special Permit. Mr. Rowley’s comments are in the packet as well, the applicant has not yet had an opportunity to respond to the comments.

Mr. Bobrowski states that he had made changes in the new draft decisions that he felt everyone had agreed on at the previous hearing.

Mr. Bobrowski suggests starting with the subdivision plan.

Mr. Rowley addresses Special Condition 6, which refers to the clean outs of the existing force main which goes from the pump station to Onset Avenue. Mr. Campinha of the WPCF agreed with Mr. Rowley that simply conditioning for a clean out isn’t going to work because the line is continually under pressure. This means anything in the line will run up to the clean out and could potentially blow the end cap off if everything isn’t sealed correctly or strong enough. Rather than specify particular materials the suggestion was that suitable valves and impertinences were subject to inspection and cleaning the force main would consist of whatever the Water Pollution Control requires.

Mr. Fay states he would like to address this again last, since Mr. Principe has not had the opportunity to review this.

Mr. Barrett wants to ensure they have an accurate plan set to reference. Mr. Fitzgerald asked if the plans had been revised per the previous conversation. Mr. Fay states the corrections were made.

Mr. Rowley feels the driveways should be given names in order for emergency services to readily find them. Mr. Barrett suggests putting signs with unit numbers at the ends of the driveways. Mr. Rowley feels there should be signs stating the street name and unit numbers.

Mr. Bowen states that in his experience he feels the signage would be beneficial and could prevent some serious confusion further down the road.

Mr. Rowley states it would only be three signs to be installed.

Mr. Barrett suggests again just putting a sign at the end of the driveway with the house numbers for the shared driveways. Mr. Fay agrees that is an amenable solution. Mr. Bobrowski states he will add that as a condition in the agreement.

Mr. Fitzgerald is still concerned with the distance between the dwellings. After discussion Mr. Fitzgerald states he feels 16’ between houses is a sustainable minimum distance. Mr. Bobrowski states that will be added to the Special Permit decision.

Mr. Bobrowski gives a brief overview of the changes to the draft Definitive Subdivision decision up to this point:

* Mr. Rowley’s Special Condition #6
* Mr. Rowley’s Special Condition #12
* A complete document list
* Addition of three signs to provide driveway addresses
* Change the world ‘consultant’ in General Condition 10 and 11 to plural

Present before the Board: Michael Besse

Mr. Besse states that Long Neck Road goes from Main Avenue in Riverside, through the golf course, and comes out onto Onset Avenue. Mr. Besse states as long as he is aware Long Neck Road has not been rescinded, and there are multiple parcels off of the road. There is also a bound at the end of Long Neck Road. Mr. Besse states he believes you were not allowed to lay a plan over an existing way. Assessors Maps 2, 3, 9, and 10 shows Long Neck Road as still existing, which is where the golf course is.

Mr. Bowen asked Mr. Besse if he has viewed the book of Town Accepted ways in the Town Clerks office. Mr. Besse states when he asked the secretary at the Clerk’s office earlier in the day she stated it was an accepted way.

Mr. Serkey states that no contractor would build over a road people may have rights to. Mr. Serkey suggests that the question of the roads existence is less a matter, but the complication would come if there is proposed construction over the road.

Mr. Barrett asks Mr. Rowley his opinion on the matter.

Mr. Rowley states that in 1942 there was a proposed layout of Long Neck Road and Cahoon Road Extension that started at Main Avenue and went past Riverside. The surveyor of record for the property makes reference to the plan showing Long Neck Road but does not make reference of it going across Bay Pointe property. Mr. Rowley is not sure if during the course of time Long Neck Road was continued.

Mr. Bobrowski states it is not the responsibility of the Board to determine rights of land ownership.

**MOTION: Mr. Fitzgerald moves to close the public hearing on the Definitive Subdivision plan as revised. Mr. Cronan seconds.**

**VOTE: (5-0-0)**

**MOTION: Mr. Cronan moves to approve the Definitive Subdivision with conditions as written as well as Mr. Rowley’s Special Condition #6, Mr. Rowley’s Special Condition #12, a complete document list, addition of three signs to provide driveway addresses, and change the world ‘consultant’ in General Condition 10 and 11 to plural. Mr. Baptiste seconds.**

**VOTE: (5-0-0)**

The Board now discusses the Special Permit draft decision. Mr. Rowley suggested adding the document list to the decision. Mr. Rowley also recommends taking conditions 2 and 3 together. The word determination was changed to finding. The condition stating changes which in the opinion of the Planning Board are minor and not substantial may be reviewed and approved by the Planning Board or its agent, Mr. Rowley recommends changing that so that all decision, minor or major, should come before the Board and not be at the discretion of the agent.

Mr. Fay does not feel it is reasonable to go to the Board for all changes being made. Mr. Rowley states changes in building location, size, driveway location, etc. should come before the Board so that the changes can be recorded with the Site Plan.

Mr. Barrett states that he feels there is enough language in the decision to allow Mr. Buckland or Mr. Rowley to make the decision if the modification should come before the Board or not.

Mr. Rowley other recommendation is that Special Condition #3 line 10 to be re-worded to sate however the Special Permit approval for Phases II and III as conditioned on subsequent submission and approval of the Definitive Plan and Site Plan Review for Phases II and III.

Condition #24 will be modified to sadd no endorsement of the plan shall occur until the plan is modified so that building separation is at least 16’ throughout.

General Condition #18 is agreed to be removed.

Mr. Fitzgerald asks if there should be a clause in page 1 Phase I to address the new condominium association to be established. Mr. Fitzgerald feels General Condition #5 the word ‘consultant’ should be plural again. Mr. Fitzgerald has a question on Page 6, Item #3 in the middle of the paragraph, the second sentence, he asks if the Phasing of II and III requires a public hearing. Mr. Bobrowski states that it does. Mr. Fitzgerald asks if that should be included. Mr. Bobrowski states it does not need to be as it is general law.

Mr. Fitzgerald notes item 10 has a typo. Mr. Fitzgerald comments on item 16 that he does not fully understand the language “the use of any portion of any condominium lot shall not be restricted for the benefit of the golf course”. Mr. Fitzgerald wants to ensure the protection is of the condominium and not the golf course. Mr. Bobrowski states it does protect the golf course. Mr. Bobrowski suggests revising it to say the golf course shall not infringe upon any condominium lot.

Mr. Bobrowski states if he were to make a motion it would state move to approve the Special Permit with the conditions as written in the draft and the following changes discussed:

1. Insert an up-to-date document list.
2. Adopt Mr. Rowley’s recommendations in his items 1, 2, 3, 6 and 7 in his e-mail of August 12, 2017.
3. Amend Special Condition 24 to establish a 16’ minimum separation between buildings.
4. Change the reference to the Boards consultants in General Condition 4 and 5 to plural.
5. Change Special Condition 15 to make it clear that there is no golf allowed on the condominium lot.
6. Strike in Special Condition #4 the word “the”
7. Add the application date of January 31, 2017
8. Strike General Condition #18

**MOTION: Mr. Cronan moves to approve the Special Permit with the conditions as written in the draft and the following changes discussed:**

1. **Insert an up-to-date document list.**
2. **Adopt Mr. Rowley’s recommendations in his items 1, 2, 3, 6 and 7 in his e-mail of August 12, 2017.**
3. **Amend Special Condition 24 to establish a 16’ minimum separation between buildings.**
4. **Change the reference to the Boards consultants in General Condition 4 and 5 to plural.**
5. **Change Special Condition 15 to make it clear that there is no golf allowed on the condominium lot.**
6. **Strike in Special Condition #4 the word “the”**
7. **Add the application date of January 31, 2017**
8. **Strike General Condition #18**

**Motion is seconded.**

**VOTE: (5-0-0)**

**MOTION: Mr. Cronan moves to close the public hearing. Motion seconded.**

**VOTE: (5-0-0)**

1. **REFERRALS**
2. **ANY OTHER BUSINESS/DISCUSSION**
3. **Zoning Articles for Fall Town Meeting**

Mr. Buckland discusses the draft Zoning By-Law for Solar projects. The draft was written based on the state model and the Town of Fairhaven. The proposed By-Law is in three parts as a modification of the table of uses, for solar sites, and definitions. This does not apply to roof-mounted solar facilities as those are building code issues. Mr. Fitzgerald asks if roofs being built solely with the purpose of installing solar panels, such as car ports, should be included in the by-law. Mr. Buckland recommends having a public hearing to discuss the modification of the proposed solar by-law.

The Board should also have a hearing on the recodification of the By-Law.

Mr. Buckland states he would like the Board to also considering changing the Use Table so there are no blank spaces in the Use Table.

Mr. Fitzgerald asks when the deadline is for Town Meeting Articles. Mr. Buckland believes it is September 10, 2017.

Mr. Buckland states the hearing could be held Monday September 11, 2017.

1. **Upcoming Hearings**

|  |  |  |  |
| --- | --- | --- | --- |
| **August 28, 2017** | **Site Plan Review & Definitive Subdivision** | **MMDDJSAK c/o G.A.F. Engineering** | **Pattersons Brook Road** |

1. **Upcoming Deadlines**
2. **NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)**
3. **CORRESPONDENCE**
4. **See correspondence in packets.**
5. **Master Plan**
6. **ADJOURNMENT**

**MOTION: Motion made and seconded to adjourn.**

**VOTE: (5-0-0)**

**Adjourned at 8:23 P.M**

1. **DOCUMENTS**

**Date signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **George Barrett, Chairman**

 **WAREHAM PLANNING BOARD**

**Date copy sent to Town Clerk: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**