

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: January 8, 2018

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members present: George Barrett
Mike Baptiste
John Cronan
Emmanuel Daskalakis
Marc Bianco
Alan Slavin, BOS Liaison

Also present: Ken Buckland, Town Planner

III. PRELIMINARY BUSINESS

A. Meeting Minutes:

- **December 11, 2017**

Mr. Baptiste states the minutes list him as present and then again as absent. Mr. Baptiste states he was at the December 11, 2017 hearing.

MOTION: Mr. Bianco moves to approve the meeting minutes of December 11, 2017 as corrected. Mr. Baptiste seconds.

VOTE: (5-0-0)

B. Discussion: Next Phases of Bay Pointe Development

Mr. Buckland states that Bay Pointe was in the process of discussing the land disposition agreement for the CEDA property which will be linked to the permitting already approved by the Planning Board but will require a new public hearing to determine the phase in which this will be added to. There will be 180 days listed in the time frame in order to make a decision regarding the final phases as part of the Purchase and Sales agreement. Mr. Barrett states he feels he cannot support agreement to that time frame.

IV. PUBLIC HEARINGS

A. Heidi Dobbins-Morse – Spring Avenue – Special Permit/Site Plan Review

Present before the Board: Brian Hebb, Hebb Builders

Ed Gless, Civil Engineer
Mark Hebb

The applicant has submitted revised plans. The roads were revised to accurately depict the names of the roads, as they were incorrect last time. The plan has been revised to show the road extension. An extra water hydrant has been shown on the plan. A turning analysis had been completed and the access drive has been expanded to 25'. Two guest parking spaces have been added to the site. The applicant has been before the Conservation Commission and they are 232 feet away from any wetlands.

Mr. Buckland states there were questions regarding density at the last public hearing in regard to Article 6 of the Zoning By-Law and Mr. Riquinha, the Building Commissioner, has provided some clarification in that regard.

Mr. Daskalakis asks if the drainage concerns have been addressed. Mr. Gless states that they did not develop a drainage design. Mr. Gless states that they are anticipating on-site retention.

Mr. Buckland states that at the previous hearing they had discussed the potential of having triplexes and duplexes. Mr. Hebb states from a marketing point of view he prefers to use duplexes, as the middle units are difficult to fill.

Mr. Daskalakis states that four of the parking spaces appear to not be deep enough. Mr. Gless states those are parallel parking spaces. Mr. Daskalakis asks if the septic design has begun and if the soil is appropriate on the site. Mr. Hebb states he has been in contact with the Board of Health and there are preliminary plans in place. Mr. Hebb also states that the letter from the Building Commissioner states that there is adequate space on the lot for this project.

Mr. Daskalakis states he is concerned with the impact to the neighbors with 10 units. Mr. Hebb suggests removing the middle front duplex closest to Spring Avenue, and converting one of the duplexes into a triplex, with a total of 9 units instead of 10. There would then be four buildings with 9 units instead of 5 buildings with 10 units.

In order to obtain some open space Mr. Hebb states he would be willing to cut out one unit and move the septic system. Mr. Daskalakis asks if they would be willing to let go of two units. Mr. Hebb states financially it would not be feasible to remove two units.

Mr. Hebb shows the Board a visual of what the two and three-family units would look like. Mr. Barrett states that the design is similar to other condo units in town.

Mr. Bianco asked if these units see families of four in these units. Mr. Hebb states they have yet to see that in the units. Typically they see couples downsizing after their children have grown or individuals in the condo's.

Mr. Barrett states they also require the road construction plans. Mr. Buckland states that the Board should agree on a plan layout before they request additional details, so the details are as accurate as possible.

Mr. Bianco states in his mind they are in agreement with taking out the middle unit and creating one three-family unit.

Mr. Cronan states that he doesn't feel they should be allowed 9 units, that the applicant should have 9 units. Mr. Cronan states he also feels the road should be paved toward Fall Street to the end of the property line, but Fall Street would still not be connected due to the abutters concern.

Mr. Hebb suggests coming back before the Board showing the nine units with updated drainage and open space plan. Mr. Daskalakis suggests showing the footprint as well. Mr. Barrett asks if they have considered staggering the units. Mr. Hebb states that with the farmer's porches and garages it gives it the effect of being staggered. Mr. Barrett states if they could fit a garage for the middle unit it would make it more marketable.

Mr. Barrett states the next hearing is February 12, 2018. Mr. Hebb states he would try to be ready for the February 12, 2018 hearing.

Mr. Buckland asks Mr. Hebb if he would sign the extension of time for the project. Mr. Hebb signs the extension of time.

MOTION: Mr. Daskalakis moves to continue the public hearing until February 12, 2018. Mr. Bianco seconds.

VOTE: (5-0-0)

B. Possible Articles for Town Meeting Warrant:

1. ZBL Article 3 Recreational Marijuana Establishments

Mr. Buckland states he would like to discuss recreational non-medical marijuana establishments. Mr. Buckland states that the Board has the new regulations that have just come out regarding requirements such as setbacks, distance from schools, etc. Even with the state regulations controlling the use these establishments are only allowed under local regulations. Mr. Buckland suggests that the Board adds to Section 350 a definition for a recreational non-medical marijuana establishment with regards to the state standards with a limitation of the number of these establishments being less than 20% of the number of liquor stores in the town. There could be potentially two establishments based on the number of liquor stores in the town. Mr. Bianco asks if the town could restrict the amount of establishments to 10% of the amount of liquor stores in Town. Mr. Buckland states that they can be more restrictive. The town can also add a 3% tax on recreational marijuana sales. Mr. Barrett states he believes that would be under the purview of the Board of Selectmen.

2. ZBL Article 13 Non-Conforming Uses and Structures

There is a draft of Article 13 that re-writes the Article. Mr. Buckland stated they can go through and make individual changes if that is preferable to replacing the Article in its entirety. Mr. Bianco states he feels that they should take the time to delegate more authority to the Building

Department, which was the intent of re-working the Article. Mr. Buckland asks Mr. Riquinha if it is more sensible to replace the Article in its entirety. Mr. Riquinha states that is more efficient than replacing pieces of the Article.

3. ZBL Article 3 Drive-Thru Restaurants

Currently the town allows non-food drive-thru's. The referral from the Zoning Board of Appeals is to allow food drive-thru's in the Commercial Strip Zone or in all zones where food uses are allowed. Mr. Barrett states he would like to see some criteria for the Special Permit in order to allow the drive-thru's. Mr. Buckland states he began drafting some criteria such as internal circulation must be safe for cars and pedestrians, well defined lanes, minimal crossing of lanes, site access must have enough space internally so vehicles entering can cue up and vehicles exiting have room to exit so there is no backing up on the street and trash receptacles are available from the vehicles as well. Claire Smith stated that she does not believe this would be a good idea to pass this, as it would go against previous decisions passed.

Mr. Daskalakis states he feels he does not have enough information to make a decision on this subject at the time.

Mr. Bianco believes that they should hold a public hearing on the matter and gain the public's opinion before making a decision.

4. ZBL Article 3, Board of Health, and Natural Resources; Dog Kennels and Horse Stables

Mr. Buckland states when he looked into this he realized there isn't a zoning issue for the kennels. There is a state license in place for kennels. Mr. Buckland doesn't see a need to advance on the dog kennels.

Mr. Buckland states he couldn't find a clear issue with riding stable either. The suggestion was that the definition of riding stable match the state definition as well.

V. REFERRALS

A. ZBA - J Donegan Company – 2419 & 2417 Cranberry Highway and Seth F. Tobey Road – Wendy's Restaurant with Drive-thru

The Board feels a traffic study at the site needs to be conducted. There is concern of the crossing of traffic. Mr. Baptiste states that residents were concerned that this area of town would reflect East Wareham, and in his opinion it is beginning to reflect that area of town. Mr. Barrett states that regarding this he feels the Board felt this site was overbuilt. Mr. Barrett also feels that there needs to be a change in access to this intersection.

VI. ANY OTHER BUSINESS/DISCUSSION

VII. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

VIII. CORRESPONDENCE

A. See correspondence in packets.

IX. ADJOURNMENT

MOTION: Mr. Baptiste moves to adjourn. Mr. Cronan seconds.

VOTE: (5-0-0)

XII. DOCUMENTS

Date signed: 11/22/18 4-0-0

Attest: 
George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: _____

RECEIVED

JAN 23 2018

TOWN OF WAHEHAM
TOWN CLERK