

## **MINUTES OF MEETING OF WAREHAM PLANNING BOARD**

**Date of Meeting: November 9, 2015**

### **I. CALL MEETING TO ORDER**

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

### **II. ROLL CALL**

Members Present: George Barrett, Chairman  
Michael Baptiste  
Michael Fitzgerald  
John Cronan  
Robert Reed  
Michelle Fernandes, Associate member  
David Pichette, Interim Town Planner

Also Present: Selectman Alan Slavin, BOS Liaison

### **III. PRELIMINARY BUSINESS**

#### **A. Approve & sign curb cut application – Bruce Hutchins – 27 East Boulevard.**

The Board approved the curb cut & Mr. Barrett signed the application.

#### **B. Form A – Nathan Maxim – 1108 Main Street.**

Present Before the Board: Brian Grady, G.A.F. Engineering, Inc.

Mr. Grady states that this Form A had been previously withdrawn. There had been some issues with wetlands and the riverbank. They had the wetlands and riverbank delineated and shown on the plan. He explained the project presents no impact on the wetlands. This lot contains 31,186 square feet and the requirement is 30,000 square feet. It contains 180 feet of frontage and the requirement is 150 feet. He believes the current plan addresses the previous concerns of the Board.

**MOTION: A motion was made & seconded to approve the Form A for Nathan Maxim – 1108 Main Street.**

**(5-0-0)**

### **IV. PUBLIC HEARINGS**

#### **A. Master Mill Work, c/o Green Seal Environmental, Inc. – 55 Charlotte Furnace Road.**

Present before the Board:     Tim Bennett, Green Seal Environmental  
   Richard Serkey, Esq.  
   James Kane, A.D. Makepeace  
   Jesse Kirby, Project proponent and owner  
   Hannen Massey, Master Millwork

Mr. Bennett explained Site Plan approval is sought for a commercial site to construct a facility for light manufacturing, processing, and assembling of custom millwork and cabinetry in the business development overlay district comprised of 4,000-5,000 square feet of office space with 15,000-16,000 square feet of work space in a 20,000 square foot building. The project is located at 55 Charlotte Furnace Road, Map 105, Lot A2 in the R60 Zoning District.

Mr. Kane stated he is pleased to bring the project forward. He feels the project is consistent with the Town's desire to expand the non-residential tax base and value in Town, as well as increasing employment opportunity in Wareham. He noted it is a 6 acre lot with 2.8 acres of impact. He stated the applicant will be taking care of the permitting for NHESP and has provided the Board with a notice stating this.

Mr. Kirby stated currently, the company owns a separate office and shop that they are leasing in two different locations and they would like to combine the office and shop and own the property. He explained the company began in Wareham and they would like to return. He noted the company has 5-8 shop employees and 5-8 office employees.

Mr. Bennett describes the project in general terms. He says the site is at the mid-point of Charlotte Furnace Road. They provide architectural millwork for schools, libraries, restaurants, interior finish carpentry for multi-family living, apartments, etc. The existing site is 6 acres, about 600 feet deep, 450 feet wide. It is a mixture of Pine and Oak trees with minimal underbrush. He mentions the topography rises slightly at the front and middle of the site but there will be minimal topography design. They will be developing 2.8 acres of the 6 acre site. There will be one building at 100 feet by 200 feet, with a paved driveway and 24 paved parking spaces. There will be a gravel parking area for employee parking, two garage door entrances, and a loading dock. The loading dock and garage doors will be designed to allow only a forklift through; there will be no need for drainage as no trucks will be entering the loading area. The property will be serviced by Town water and private on-site sewage. They created low-impact drainage designs. The parking areas will slope towards the street across gravel spreaders into rain gardens. After receiving comments from Charlie Rowley the applicant intends to install a swale between the gravel parking lot and the rain garden to prevent any silt from getting into the rain garden. They will submit a revised plan to address that. They have aligned the driveway with Acoaxet Lane to minimize traffic impacts with turning movements as well as minimizing impacts to the abutters. He states there are only two abutters across Charlotte Furnace Road that will face the proposed site. The applicant has added screening, since there will be substantial clearing. The business hours are 9-5 with 1-2 deliveries a week, so there will be minimal truck traffic on the road. They have obtained a letter of approval for the project from NHESP. There is also a letter addressing traffic from Vanasse and Associates.

Tim Bennett states that the applicant had previously appeared before the Board and one of their major concerns were impact to the neighboring abutters. He states that the Business Development Overlay District (BDOD) requires the applicant to address noise, vibration, smoke, odor, etc. To address the noise level, Tim Bennett states that he had been in the mill speaking with Jesse Kirby and they could maintain a conversation easily with the saw going. He also stated that from outside the building he couldn't hear the saw at all. He states he doesn't believe the noise will be discernable from outside the building. He also states that the front 4,000 feet will be office buildings, which will provide an even greater buffer to noise produced. In respect to vibration he states none of the machines produce vibrations. Concerning the smell, there will be an internal spray booth that will filter 99.85% of the particles and does not believe that will be an issue regarding smoke, fumes and odors.

George Barrett asked about dust collection and ventilation. Jesse Kirby states that there is a dust collection system inside the building that is discarded. George Barrett asked if there are additional questions.

Bob Reed asked about the additional proposed screening. Tim Bennett stated he had just received Charlie Rowley's comments the morning of the hearing and did not have time to revise the plan. He says the BDOD requires the building be setback 25 feet. The proposed building is set back 143 feet from the right of way line and is over 200 feet from the nearest residence. The parking is also set back 61 feet from the right of way and 138 feet from the nearest residence. He believes with additional screening this is more than adequate. Bob Reed asked where the screening will be located. Tim Bennett stated it will be at the edge of the driveway. Bob Reed asked if that area is being cleared for site distance. Tim Bennett said they have about ten feet to make plantings, which will likely be an arborvitae hedge. He believes that street visibility is important to any business owner.

George Barrett asked if the building is multi-story for its entirety. Jesse Kirby stated just the office buildings are two-story. Jesse Kirby stated the overall height of the building will be 24 feet with the façade reaching around 26 feet. Mike Fitzgerald asked if Jesse Kirby could locate on the plan where the finishing will take place, and it will ventilate through the roof.

A member of the public attending the meeting asked if it were possible if the plans could be presented in a way that the public may view them as well as the Board, as the current seating arrangement prevents them from being able to view the plans.

Mike Fitzgerald asked what types of sprays will be used in the facility. Jesse Kirby answered that they use lacquers, varnishes, stains. He states about 25% of their products are finished on site, the rest is produced raw to be finished. Hannen Massey states that they use M.L. Campbell lacquer and stain and that most of the finish work is just for base primers.

Mike Baptiste asked if the doors will be closed in the summertime in the workspace. Jesse Kirby stated the doors will remain closed in summer months.

Mike Fitzgerald asked if the products would be veneer or hardwood. Jesse Kirby stated they work with both veneer plywood and hardwood. Mike Fitzgerald also asked how the sawdust is

housed in the facility until it is removed. Hannen Massey replied that there are two bins for sawdust in the back end of the building. One bin is for larger particle matter that may be taken to horse farms and the other bin is for smaller particle material that is disposed of. They will have two dust collection systems, each 5,000 cfm, which keeps them under the restriction for being inside the building. Jesse Kirby stated that once a week people will come and collect the sawdust to use on their horse farms for free.

Mike Fitzgerald asked if they could touch on the signage. Hannen Massey stated that the building is proposed to have the logo on the front of the building. They had not proposed any on-street signage, but stated they were willing to make changes if necessary. Tim Bennett stated the signage is shown on detail sheet C6. Mike Fitzgerald asked if the sign is illuminated from an outside source or contains lights. Tim Bennett stated it will use outside illumination.

Mike Fitzgerald asked if there will be any activity taking place on the site at night, such as deliveries. Jesse Kirby stated there will be no night activities on site. Mike Fitzgerald also asked if there were specifics on the dust collection that may be reviewed. Hannen Massey stated they would be able to present the specifics at a future time.

George Barrett asked if their current location was in close proximity to residential units. Hannen Massey stated there are no residences but there are two restaurants. He stated that they have not received any complaints in the seven years they've been there.

Mike Fitzgerald asked if there will be any items outside in the parking facility that the neighbors should be aware of. Hannen Massey stated there will be the company's box truck located outside as well as parking and a forklift, however, there is a privacy fence designed with the slope of the site to remove these items from view of the abutters. The fence is 6 feet tall with overlapping boards running laterally across it. Mike Fitzgerald asked what the front façade of the building is made of. Hannen Massey stated it is hardboard paneling with aluminum track.

George Barrett asked if the applicant had given any thought to moving the building further away from the road. Tim Bennett stated they had thought about moving it further back. He relates that one reason they had for its location was to minimize pavement impact on the site. He also states that the applicant is willing to add substantially more screening.

David Pichette stated that due to the location, if the building were moved further back on the site it would allow them to leave more of the natural vegetation in place. Tim Bennett agrees, but states that the natural vegetation on site is very sparse. It consists of tall pines and small shrubs. He believes if additional screening is required it will need to be planted.

Bob Reed stated that since the abutters are close to the road he feels more than a row of arborvitae shrubs should be required for screening and that the building should also be set back further.

Jesse Kirby stated that they had bought the lot of 6 acres to be able to eventually expand and build behind the proposed building, which is his only qualm with moving the building further back than it is. Mike Fitzgerald stated the Board is not requesting that the building be pushed to

the back of the lot, but are trying to take into consideration the neighbors and the real estate value. He states moving the building slightly further back would be beneficial to all without affecting future plans to build further back.

George Barrett states that adding utilities to the building will diminish a large amount of natural coverage that is on site now. Tim Bennett stated that they will do their best to not remove any mature trees in the area.

Mike Fitzgerald asked if they could point out where the 12 foot vertical retaining wall is situated. This was a mistake in Charlie Rowley's notes. It is a 12 inch wall at the loading dock, as shown on the plans.

George Barrett stated he had received letters from both the Fire Department and the Building Department that they have no issues with the proposed structure. George Barrett said if the Board had no further questions they would open the meeting up to public comments.

Before the Board: Dave Menard, Municipal Maintenance

Dave Menard apologizes for not getting his comments out in time for the public hearing, so is he presenting his concerns. One of his concerns is the water line to the facility, as Charlotte Furnace Road is a newly paved road. He's concerned about protecting the roadway as well during construction of the facility. Charlie Rowley stated that there will be a temporary stone placement to protect the road during construction.

John Cronan asked Dave Menard if he knew where the water main was. Dave Menard stated it was on the opposite side of the road. The applicant would need to create trenches on both sides of the road for access. Dave Menard also stated that once a new road is paved there is not permitted work on that road for 5 years. John Cronan asked if it could be a requirement that the applicant completely re-pave that section of road instead of installing a 4-foot patch on the road.

Mike Fitzgerald asks if there is a standard in place that states how utility work will be paved over. Dave Menard states there is not. Mike Fitzgerald asks Dave Menard if it is a written regulation that prevents roadwork for 5 years. Dave Menard states he believes it is a by-law. Mike Fitzgerald asks why the Board is entertaining the project if a by-law prevents the applicant from obtaining access. George Barrett stated that the by-law does not restrict access to utilities, but is in place to coerce to Town to make upgrades at the time of the road construction.

Mike Fitzgerald asks if the client could perhaps use water on the site by using a well. Hannen Massey stated they cannot due to the sprinkler system.

Bob Reed suggests making specific expectations of the re-paving of the road for the applicant to adhere to. George Barrett suggests that a standard should be put in place in regards to re-paving roadways so developers will know what the expectations are.

Charlie Rowley stated that if the layers of pavement are applied properly there should be no noticeable difference in the roadway with the exception of discoloration. He also stated that he could work with Dave Menard to create specifics concerning re-paving for this project.

Present before the Board: Monica Montgomery, 8 Weepecket Lane

Monica Montgomery asks why this site was chosen opposed to other sites, such as the industrial park. Hannen Massey states that the machines they use operate on three phase power which does not continue down the street. Monica Montgomery also asks how big their current facility is. Hannen Massey states it is 5,000 square feet. Monica Montgomery now asks how their business growth will affect traffic from the facility. Hannen Massey states that there is a lot of off-site storage at their current location that will be housed in the new facility. Monica Montgomery asked how many square feet is proposed to be storage. Hannen Massey states about 6,000 square feet of the proposed space will be storage. Monica Montgomery asked if they're planning to double their export since they're doubling their facility space. Hannen Massey states that they do not have adequate space where they are currently. The new proposed building is intended to give them the space they currently require, without expectations of vastly expanding. Monica then asks if the company intends on opening a showroom. Hannen Massey states they will not as their products do not have retail value. Monica Montgomery asks what percentage of their business is kitchen cabinetry. Hannen Massey stated that they do not create kitchen cabinetry, they install them but do not manufacture them. The shop creates custom millwork. The companies have about 70 employees in the fields that install pieces ordered from outside sources. Monica Montgomery states she understands why they chose this particular lot, for power resources, but asks again why they didn't choose space in an industrial park verses the lot across from a residential subdivision. Hannen Massey states that there were no lots available to buy in the industrial parks.

Before the Board: Bobby Novilia, Weepecket Lane

Bobby Novilia states that she drove through all of the industrial parks in Wareham and found a multitude for lease. Tim Bennett states that his clients are looking to own their property, not lease. Bobby Novilia goes on to state that there is a lot of vacant property at the end of Charlotte Furnace road. She continues that it is a terrible place for a business. She mentions that currently that corner is where the children's bus stop is currently located. She also asks if a traffic study has been done since Wal-Mart has been built. She feels that traffic has increased dramatically and that there have been numerous accidents. She doesn't believe that an industrial business should be built in that area. She believes that it is a strictly residential area.

Richard Serkey at this time mentions to the Board that the clients had held an open house to which they invited all abutters on the abutters list to hear their concerns. He stated Bobby Novilia was present at the open house and received a set of the plans. He stated Bruce Packard and Cheryl Rowe attended as well.

Before the Board: Fred Reynolds, 12 Acoaxet Lane

Fred Reynolds asked the applicant why the building is so close to the road when they have 6 acres to work with. Hannen Massey stated that they felt there would be adequate screening since the required setback was 25 feet and the proposed building is set back at 143 feet. Fred Reynolds believes that there needs to be a current traffic study. He believes there will be clients at the facility and occasional night work, although the applicant states there will not be either of these circumstances. Fred Reynolds goes on to ask what it would take for the Town to do their own traffic study, in lieu of the applicants traffic study. He asked if the neighbors would have to pay the bill or if it could come from the A.D. Makepeace funds that are withheld for neighborhood improvements. Richard Serkey said that money is held in a special segregated account in the Town Treasure's office. However, Richard Serkey believes they should review the Vanasse and Associates letter stating that they have completed a review of the potential impacts of the transportation infrastructure associated with this project. Based on trip generation statistics published by the institute of Transportation and Engineers for a similar land use as that proposed the project is expected to result in approximately 56 vehicle trips per day, with two way traffic over the operational period of the day with 15 vehicle trips in both the morning and evening peak hours. Such increase is stated not to be readily apparent on the roadway network and would not result in motorist delays or vehicle queuing on Charlotte Furnace Road over existing conditions.

Fred Reynolds reiterated his initial point that he believes the location of the building should be pushed further back off the street so as not to affect property value and so the neighbors cannot see it. He also stated that the three phase power could be moved down the street.

Present before the Board: Steve Holmes, Selectman, Onset

Steve Holmes states he has the privilege of representing people from the Marion Town line to Buzzards Bay. He believes one of the biggest goals since he has been on the Board was to bring revenue into the Town of Wareham. He believes by bringing good, clean, responsible business is the way to go. He believes the area is appropriately zoned. From what he can see of their presentation they have taken many steps to be a good neighbor. They have selected a depth greater than required, and they may even be willing to do more. He also states that the Town has the equipment to perform a traffic study if the Board feels it necessary.

Present before the Board: Cheryl Rowe, abutter

Cheryl Rowe believes that this proposed project will have a positive impact on the Town. She believes it will bring revenue to the Town, and also feels that the traffic will not be greatly impacted.

Present before the Board: Kelly Silvia, 66 Charlotte Furnace Road

Kelly Silvia states that she (as a direct abutter) does not want to see that building outside of her house every day. She states that since Wal-Mart has been built there has been a multitude of tractor trailer trucks speeding down the road every day. She believes that vehicles crash on that street each winter. She is concerned about the traffic increase on what she says is an already busy road. She doesn't believe that the proposed building will create jobs with 15 full time employees. She believes it will bring down the property value of her house. She is also upset that a traffic

light was supposed to be put in at the end of Charlotte Furnace Road was never put in. She believes where the A.D. Makepeace business park is, on Route 28 and Route 58, would be a better location for the proposed building. Someone states that property is located in Rochester. Kelly Silvia would like to know why that isn't an option for the applicant. George Barrett stated that other lots are not under the topic or consideration at this hearing. Hannen Massey stated the lot they chose fit their budget as well as zoning requirements.

Present before the Board: Dennis Bruno, 5 Weepect Lane

Dennis Bruno states that he feels the traffic is extremely dangerous. There are no sidewalks. He believes that people speed on the road on a daily basis. He has nothing further to add.

Charlie Rowley asked Tim Bennett if when he set the site distances on the plan if they based this on any particular criteria. Tim Bennett stated that one of his engineers set the site distances. He stated he did ask the engineer to address the site distances, but does not know the specifics, and he can retrieve them to present them to Charlie Rowley and the Board. Charlie Rowley suggested if it's not an issue for site distance and safety that they could leave as much vegetation as they can. This will maintain the natural buffer and it would also help in addressing the buffer the Board is requesting, as well as moving the building and drainage back. The second issue Charlie Rowley addressed was about the architectural aspects of the building. Coinciding with the BDOD perhaps they could ease some of the architectural front of the building to be softer in shape and color to blend in better.

George Barrett agrees that the applicant could soften the appearance of the building as well, and that the technical comments can be addressed with Charlie Rowley.

Mike Fitzgerald would like to hear a final decision about a street sign, if there will be a sign the Board will need a detail sheet concerning the sign. The client states they will provide the Board with a detail sheet for the proposed street sign. Mike Fitzgerald also brings up the noise concern as well, if the windows are open the noise will travel out. He would like a professional to address the noise concerns. He would also like to hear more about the fumes and the filtration system to be installed.

Michelle Fernandes stated that she would like to see more on the proposed expansion and the time frame they are looking at to expand, as well as the impact on the neighborhood.

Richard Serkey stated that the client would be able to compose an idea of what expansion will look like and a time frame, however, the clients would need to present themselves at another public hearing to expand.

John Cronan asked if the lighting in the parking lot were wall mounts or poles. Tim Bennett stated that the lights are wall mounted on the front of the building. John Cronan also stated to Charlie Rowley that the rain garden seems close to the road to him. Charlie Rowley stated the rain garden could be moved back, but he feels it is also important to keep some remaining vegetation.



George Barrett stated the next hearing is November 23, 2015, but he is not positive if he will be able to attend that meeting. Richard Serkey stated they would like for George Barrett to be present at the meeting, which sets their continued public hearing to December 14, 2015.

Motion made and seconded to continue to December 14, 2015 at 7:00 p.m.

(5-0-0)

## **V. CONTINUED PUBLIC HEARINGS**

- A. Application of Bay Pointe Club, LLC, 501 Wampanoag Trail, Suite 400, Riverside, RI 02915, for a Special Permit, for Site Plan Review, and approval of a Definitive Subdivision Plan entitled: "The Bay Pointe Club Mixed Use Development Project", on 19 Bay Pointe Drive, also known as Assessors Map 2, Lot 1004A in Wareham, MA, said plan proposing 90 dwelling units on 58 proposed lots on 141.6 acres in the CR zoning district.**

George Barrett stated that the last time Bay Pointe Club, LLC was before the Board they had written a draft homeowners covenant, and he would like to know if a finalized document had been created. The client said they did have a finished version using the verbiage from the draft. George Barrett also asked if Bay Pointe had any way of dividing the condominiums and the single family houses in the homeowners covenant. The client stated that the condominiums will have a condominium association and the single family lots will have a homeowners association with regulatory rules for both associations.

George Barrett asked if the existing homeowners in Bay Pointe Village will be affected by this. The applicant states that the current residents will not be a part of the new associations and that accommodations currently shared by them will remain as they are.

George Barrett states that the applicants had not yet submitted for approval from Natural Heritage Endangered Species Program (NHESP) concerning endangered species, but states they will do so once the project is approved. The applicant replied they have been in contact with NHESP who provided them with a preliminary preview based on preliminary plans and requested they submit final plans once they had been approved by the Board so the applicant can submit the final approved plan.

Charlie Rowley stated that he has a letter from Lenore White dated October 25, 2015 stating that the applicant had discussion with NHESP but an application had not yet been submitted to NHESP. Charlie Rowley states there are no regulations stating that an applicant has to wait to submit approved plans. He believes the applicants could file. George Barrett asked if there had been a condition addressing the potential that NHESP makes changes to the plans. Charlie Rowley stated it is an item in his review; item 4 on Page 6 of the Definitive Subdivision Draft states that without limiting the generality of the foregoing, no municipal permits shall be issued until Bay Pointe files with the Planning Board a determination by NHESP that the project is not a result in no take. Charlie Rowley also mentioned that the item should state no construction should take place without the letter from NHESP.

George Barrett calls attention to the fact that the wording was changed in item 11 regarding the Definitive Subdivision Plan to reflect the phasing and development. The change was that development will be required to proceed in good faith and due diligence based on market demands. George Barrett feels that is contradictory to their previous discussions about ensuring the roadways will be completed, not wanting to have half-finished roadways while other construction begins. Charlie Rowley stated that he agrees with George Barrett, the only difference being that as long as Bay Pointe Road and Cahoon Street are finished then the subsequent phases are immaterial, since they can't complete the development without those two roads.

Richard Serkey believes at the bottom of page 4 it says Phase I Bay Pointe Road and Cahoon Street. Charlie Rowley said it does mention those roads but continues to state that the phases may be built in the order of market demands, which may not require the roads to be finished first. The client stated that at the top of page 5 it stated that Phase I must begin (including the paving of Bay Pointe Road and Cahoon Street) before beginning subsequent Phases. The Board consents to allow the verbiage to remain.

Charlie Rowley asked if they may review some items on the first page of the Definitive Subdivision. The last paragraph on page 1 the verbiage is altered to state that a separate approval of the Site Plan is required. Another issue Charlie Rowley encountered with the addendum on page three that they had discussed it would be attached to the final document. The client stated they were still waiting on the list of dates of correspondence of letters and e-mails from the general public from the Town. This list is to state the dates of all the letters and correspondence from the public so that each letter does not need to be recorded, but the dates of reference to the letters will be. Charlie Rowley also mentions the language regarding the sewer systems. As the language is written now it sounds as though the Board has approved single pumps for each single family lot. He states the Board will need to discuss the matter as to which type of system they are looking to see. If the Board approved of the individual pumps the verbiage may remain, but if they would like a different septic system they will need to re-word this item.

Mike Fitzgerald states that he does not support the single family lots having their own pumps because he is worried it will affect the people inhabiting the homes, particularly at inopportune times and inclement weather. He is aware that the client is not in favor of a central pump station, but cannot support the individual homes having their own pumps. Mike Baptiste states he feels the same as Mike Fitzgerald. John Cronan states that he is not opposed to the individual lots having their own septic systems. George Barrett states he is not opposed to the individual systems either, but would like to see specs on the systems. Mike Baptiste said he doesn't believe it's fair to leave it to the individual homeowners to have back-up generators, etc. when there is Town sewage. He also believes that it would be easier to fix one system than 50+ systems. Bob Reed states he agrees with Mike Baptiste.

Mike Fitzgerald stated his other concern is that the multi-family units are too close.

Bob Reed stated that he had not received updated parking plans for the multi-family units. The parking was not to be tandem and there is no guest parking.

George Barrett asked if a foreclosure voids the covenant. Richard Serkey replied that the covenant is senior to a mortgage and the covenant remains in the event of a foreclosure.

Bob Reed stated that he also believes that the units are too close together, that there is no place for children to play which is not safe. He states there are minimum lot requirements, and all of the lots on the plan are below the minimum. He also believes that the subdivision doesn't necessarily qualify as mixed use with the housing development and golf course. Bob Reed stated that the subdivision doesn't meet the by-law standards.

Richard Serkey asked if Alan Slavin would be allowed to comment on the by-law, which was site specific, and give some history to the idea of the by-law. George Barrett speaks since he and Alan Slavin had both been involved in the process. George Barrett states that the initial idea of Bay Pointe was to be essentially a self-sufficient subdivision, containing barber shops and other means of income. Once the preliminary plan was filed it was evident that a development that size wouldn't support much of that. He understands Bob Reed's concerns that it doesn't strictly follow the by-law, but once the Board reviewed what was initially promised, they realized it wasn't going to work, and agreed to allow the residential subdivision.

Alan Slavin stated that three months into the process is not the time to state that the presented plan doesn't meet the by-law standards. If that were an issue it should have been brought up much earlier in the permitting process. He states that as this project is being filed as a Special Permit the Board has the ability to grant within reason outside of the by-law.

Mike Fitzgerald rebuts that he believes what they've done with the project, in his mind, meets the mix-use standard. He believed that the neighborhood would increase the shopping in Onset, which would be beneficial to the Town.

George Barrett stated that they could address some of their concerns as conditions. Mike Fitzgerald stated he fears if the public hearing closes then the items he feels are of largest concern will not be dealt with appropriately.

Richard Serkey asked Mike Fitzgerald, Mike Baptiste, and Bob Reed what, if anything, would help them to agree to this project. Mike Fitzgerald stated revising the septic plans, moving the multi-family units further away and removing some, as well as adding some open space would make him more amiable to the plan.

Bob Reed stated he did have an issue with the focus of the By-Law, but believes he is the only one with that concern. He stated the finishing of Cahoon Street and allowing enough room for children to play, and increasing the lot sizes, are his greatest concerns. He believes they should fall back on the standard lot sizes allowed in the By-Law.

George Barrett asked if one or more centralized parks would ease some concerns. Mike Fitzgerald stated that the real concern is with the lot sizes. The center houses look directly at the back of the house in front of them.

The applicant stated that it was not in their design to conform to the By-Law. He stated that the project was intended to be a golf community. He also feels it is an unfair request to remove more multi-family units or to add some type of retail at the site. He stated the community is meant for people who do not have children, whom the golf course appeals to. He believes this design is successful to the golf course community. He states that their intended clients are south Boston, less Wareham and Plymouth. He believes that people will bring money into the Town by shopping at the stores and dining at restaurants. He also states that just their re-design of the golf course has increased revenue. There had been numerous weddings there this year, and just as many booked for the year after. They had won awards from two separate wedding companies as the being in the top 5% for service at wedding venues in the United States. He believes the development doesn't require additional commodities. There are gyms, beaches, restaurants, and shopping strips within reasonable distant that would meet the residents needs. He states that the Board had already stated approval of zoning, lot sizes, and septic design. He believes the Board has not given specific direction about what they would like to see. He believes they have designed and incredibly strong asset for the Town of Wareham.

George Barrett stated the public hearing is still open and

Present before the Board: John, 7 Bay Pointe Village

John states that he is on the Board of Managers for the Bay Pointe Village Association. He is in favor of this project. He believes it will enhance real estate values, improve the quality of the golf course, will provide more clientele for the local businesses, and the tax revenue would increase as well.

Present before the Board: Gene Courier, Bay Pointe Drive

Gene is president of the Bay Pointe Village Association. She states that she feels the development is necessary. She states that she has grandchildren that come to visit her for a week or two. She says that they do not have yards, there is still plenty of space for them to play. They ride their bikes in the cul-de-sac. She says there has been one child that's lived in Bay Pointe in the last 10 years. She also states that she drives down Cahoon Street every day and does not see 35 children, but 5 children on that street. She believes that no abutters are against this project, and that it is needed to enhance the community. She believes the project needs to be approved and developed.

Present before the Board: Steve Holmes, Selectman, 121 Onset Avenue

He believes that there is not one business owner that he has spoken to that is against this project. He states they are excited about the project and the potential business. He states that the golf course alone has brought so much revenue to the Town through weddings, that it has been beautifully re-done. He believes they will do the same with the residential subdivision. He states the golf course could not be used before the applicants had come and re-designed the course. The new golf course did bring revenue to the Town, the weddings bring revenue to the Town. He also states how the pavilion has been re-done as well. He states this retail value was not there before

Bay Pointe had become owners of the property. He requests the Board approve the project for the benefit of the Town.

George Barrett asks for comments from the Board.

Dave Pichette states as far as things have progressed on this project he would like to make a few points. Early on there was discussion about lot size, and there was more or less consensus from the Board to continue with the lots as they were. He also states that there never was a decision made about the septic systems, and as they heard, a few members would not approve the septic systems as they are. He suggests revising the septic systems through conditions or however the Board wants to deal with it. He states the duplex units being so close together and a place for children to play seems to be the last remaining issue with the Board. He believes if that point could be worked out that the rest could be dealt with through conditions. He also states as far as that particular zone, he doesn't believe that there is a minimum lot size in this specific zone. He states other zones do have specified lot sizes, but not that specific zone.

George Barrett stated that he believes at this point it would be appropriate to close the public hearing. Charlie Rowley states they have not set the conditions for the site plan. George Barrett says that may be done outside of the public hearing.

Motion made and seconded to close the public hearing for the Definitive Subdivision Plan and Site Plan Review.

(4-1-0)

## **VI. ANY OTHER BUSINESS/DISCUSSION**

Concerning the Site Plan Review Charlie Rowley states that he and Richard Serkey had been in contact to create the findings for the Site Plan Review, which needs to be approved. George Barrett states in regard to the Definitive Subdivision, does the Board wish to vote or go through the findings. Mike Fitzgerald states he doesn't feel they should vote since there are too many open items.

Dave Pichette states that there is now a lot to consider in terms of if they agree with the findings and reviewing the conditions. He believes that the Board should not vote on Conditions this evening, that they really need to review the language. He feels this should be done at another hearing.

Richard Serkey states that the Board has had the conditions and findings since the last hearing. Dave Pichette agrees, but in lieu of concerns that arose that evening the language concerning some conditions may need to change.

Charlie Rowley states that the Definitive Subdivision could be revised with an ANR if need be. He asked Richard Serkey the time frame the Board has to file their decisions. The Board has 90 days to approve the Site Plan Review. Charlie Rowley states that a waiver had been granted considering the time period to close the public hearing, but at the close of the public hearing there is now a time frame to file the decision. George Barrett stated he believed the waiver

extended past the close of the public hearing. Charlie Rowley stated the waiver does not extend past the time of the public hearing.

Richard Serkey states that the plans under review are not being reviewed for legalities at this point (concerning conformance to the By-Law), but that the Board should continue to focus on lot size, sewage, and density.

Richard Serkey provides George Barrett with the updated covenant.

Discussion ensued concerning which findings and conditions will require revisions, no decisions were made.

Mike Fitzgerald wants to ensure that everything that should be there is there, and asks Charlie Rowley if he could meet with Town Counsel. Charlie Rowley stated that there's not much Town Counsel could do at this point with the exception of the language of the findings. He states that with the findings the Board needs to go through the Zoning By-Law to ensure the findings are complying.

Charlie Rowley asked if they could request the applicant submit two more sets of final plans.

#### **VII. NEW BUSINESS**

No new business at this time.

#### **VIII. CORRESPONDENCE**

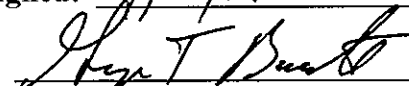
No new correspondence at this time.

#### **IX. ADJOURNMENT**

**MOTION:** A motion was made & seconded to adjourn the meeting.

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

Date Signed: 9/26/16 4-0-0

Attest:   
George Barrett, Chairman  
WAREHAM PLANNING BOARD

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