

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: March 28, 2016

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 Fitzgerald
John Cronan
Robert Reed
Michelle Fernandes, Associate Member

Also Present: Ken Buckland, Town Planner
Charlie Rowley, Town Review Engineer
Dave Pichette, Conservation Agent
Selectman Alan Slavin, BOS liaison

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: August 24, 2015, November 23, 2015, & January 4, 2016

MOTION: A motion was made & seconded to approve the meeting minutes of August 24, 2015 & January 4, 2016.

VOTE: Unanimous (4-0-0)

B. Discussion: Bill Bachant – Beaver Path – Release of funds

Present before the Board: Bill Bachant, Bachant Builders

Mr. Bachant stated that Bachant Builders had completed roadway construction even though it was not the responsibility of Bachant Builders to do so. He stated the work has been done in substantial compliance with the conditions. He noted the Homeowners Association has been established and the homeowners were aware of the association. Mr Reed asked if Town Counsel has approved the Homeowners Association. Mr. Bachant stated he was unsure if Town Counsel has approved the Association since it was done so long ago. Mr. Barrett stated it was recorded in August 2014.

Mr. Fitzgerald asked if Mr. Rowley has been to the site and approved the work as it was completed. Mr. Barrett stated that he had. He noted only two homeowners signed the petition for the Association. He stated the Board will send the Homeowners Association information to

Town Counsel and the Board can confer at the next meeting. He asked Mr. Bachant to attempt to retrieve more signatures for the Association in the meantime.

C. Discussion: Woods at Great Neck Subdivision – Bond release

Mr. Barrett stated this item will be on the Selectmen's agenda as well to vote if funds should be released. Selectman Slavin stated it is on the Selectmen's agenda for next week.

D. Discussion: Jonathan Estates – Tripartite Agreement release

Present before the Board: Attorney Margaret Ishihara

Mr. Barrett read from a letter stating there is a temporary restraining order from Plymouth Superior Court on release of the surety for Jonathan Estates. He stated the letter is asking for a response by April 4, 2016. Selectman Slavin noted this matter is also on the Selectmen's agenda.

Attorney Ishihara stated she views this as interference between the Town and her client. She feels this is a massive abuse of the process. The restraining order came from a homeowner toward her client, but it is insubstantial to the current matter of releasing the bond. She stated she is aware the Board will not take action on this at this point due to the restraining order.

Ms. Ishihara continued to discuss the issues of the homeowner with her client, which is drainage of the driveway (or lack of drainage). She feels this is something that could be handled quite easily.

Mr. Barrett stated he would submit the restraining order from Plymouth Superior Court to Town Counsel to see how they should respond.

II. PUBLIC HEARINGS

There were no public hearings at this time.

III. CONTINUED PUBLIC HEARINGS

A. Kaplan Development Group, LLC – Rosebrook Way – Site Plan Review & Special Permit

Present before the Board: Attorney Richard Serkey

Mr. Barrett stated he received a letter from Guy Campinha, WPCF Superintendent, as requested at the previous hearing, re: the daily amount of sewage currently being used in the Rosebrook development.

Mr. Barrett stated there have been many draft decisions circulated. He asked if Attorney Serkey had the final decision. Attorney Serkey stated Mr. Rowley had sent him revisions

previous to the hearing and he has brought them with him, along with an updated draft decision.

Mr. Reed mentioned that the last hearing was two weeks prior and the draft decision had not been sent to the Board for review until the day before the public hearing. He doesn't feel that was substantial time to review the decision. Attorney Serkey stated he had been away since their last meeting until this past Thursday and had sent a draft to the Board this morning. Mr. Reed reiterated that he has not had time to review the draft decision and does not feel comfortable voting on a decision on such short notice.

Attorney Serkey read through the conditions. He pointed out conditions that had not yet been changed. Mr. Reed stated the conditions that had not been changed were submitted only yesterday, but those changes had not yet been reviewed. The Board discussed with the applicant the option of continuing the public hearing until Thursday, March 31, 2106. The applicant does agree that would be preferable.

MOTION: A motion was made & seconded to continue the public hearing for Kaplan Development Group, LLC to Thursday, March 31, 2016 in Meeting Room 27 at Town Hall at 7:00 P.M.

VOTE: Unanimous (4-0-0)

B. Canning Realty, Inc. – 81 Charlotte Furnace Road – Site Plan Review

No-one was present to represent Canning Realty.

MOTION: A motion was made & seconded to continue the public hearing for Canning Realty, Inc. to May 9, 2016 at 7:00 P.M.

VOTE: Unanimous (4-0-0)

IV. ANY OTHER BUSINESS/DISCUSSION

No other business was discussed.

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

No new business was discussed.

**VI. CORRESPONDENCE
See correspondence in packets.**

VII. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 10:46 P.M.

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

**George Barrett, Chairman
WAREHAM PLANNING BOARD**

Date copy sent to Town Clerk: _____