

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: June 13, 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
Mike Baptiste, Vice Chairman
John Cronan
Bob Reed
Mike Fitzgerald
Michelle Fernandes

Also present: Ken Buckland, Town Planner
Charlie Rowley, Town Review Engineer
Rich Bowen, Town Attorney

III. PRELIMINARY BUSINESS

A. Approval of meeting minutes: January 11, 2016, January 25, 2016, & March 28, 2016

MOTION: Mr. Fitzgerald moved to approve the meeting minutes of January 11, 2016 as written. Mr. Baptiste seconded.

**VOTE: (4-0-1)
Ms. Fernandes abstained**

MOTION: Mr. Reed moved to approve the meeting minutes of January 25, 2016 as written. Mr. Cronan seconded.

**VOTE: (4-0-1)
Ms. Fernandes abstained**

MOTION: Mr. Cronan moved to approve the minutes of March 28, 2016 as written. Mr. Fitzgerald seconded.

**VOTE: (4-0-1)
Mr. Fernandes abstained**

B. ANR – Charlotte Furnace Road – A.D. Makepeace Co.

Present before the Board: Jim Kane, A.D. Makepeace Co.
 Ken Konte, Beals & Thomas
 Richard Serkey, Attorney

Mr. Kane stated that they would like to create a 6.5 acre parcel and a point of access in order to access the solar field at some point in the future. The access is not intended to be a buildable lot, just an access.

MOTION: Mr. Reed moved to sign the plan as presented. Mr. Cronan seconded.

VOTE: (5-0-0)

C. ANR – Maple Springs II North – A.D. Makepeace Co.

Present before the Board: Jim Kane, A.D. Makepeace
 Ken Konte, Beals & Thomas
 Richard Serkey, Attorney

Mr. Kane stated for many years it has been the intention for Maple Springs to become conservation land and much of the land has become conservation. There is a small piece of land they are hoping to put into conservation. They are asking to create three parcels of land to create two individual parcels as water control structures and one parcel as the dam so they do not become part of the conservation land. They would retain the bog roads as access.

MOTION: Mr. Reed moved to approve the ANR plan for Maple Springs II North with the condition that the three parcels will not be buildable lots. Mr. Cronan seconded.

VOTE: (5-0-0)

D. ANR – Rosebrook – A.D. Makepeace Co.

No discussion was held concerning this matter.

E. ANR – Onset Avenue – Stonestreet Corp.

The applicant has requested a continuance, however, the Board stated it cannot be continued due to the 21-day time constraint and the ANR must be denied or withdrawn. The applicant decided to withdraw the ANR.

MOTION: Mr. Reed moved to accept the withdrawal. Mr. Cronan seconded.

VOTE: (5-0-0)

F. Discussion: Street Acceptance – Long Built Homes – Application Revision

It was stated the Board needs to decide if the inspections have been done and if the plan has been done to the point that the Board can recommend it to the Selectmen for street acceptance. A statute requires the positive restriction of rights within a right of way of a subdivision to create single ownership of the right of way. Attorney Bowen stated there was no change of ownership that occurred as the result of the acceptance of a street. Mr. Rowley has identified the idea of showing ownership within the right of way on the plan. At this time, that is not shown on the plan in correspondence with the deeds. Mr. Buckland asked the Board if they would like to continue the discussion of ownership being shown on the plan on a private way if Town Counsel deemed it not a part of street acceptance. Mr. Fitzgerald states he thought it was statute that the lots on either side own to the center on a private way. Mr. Rowley stated they do and the plan that was provided for street acceptance did not display this. Mr. Rowley interpreted that the deeds claimed they granted the homeowners the right to travel on the road, but did not retain the fee ownership. If Long Built owns the entire road that is fine, but the plan needs to be clear for the appraiser for the Town. Mr. Rowley stated for Long Built to retain ownership of the road, then each deed would need to make an exception or specific reservation that Long Built was retaining all right, title, and interest in and to the street and granting the right of passage to the homeowners, but no deed made that statement or exception which means each homeowner owns up to the center of the street and needs to be shown on the plan. For the Town to accept the street, they need to know who the easement is owned by, homeowner or developer. The applicant only needs to show the homeowners owning out to the middle of the road to make the street acceptance plan ready for approval.

Discussion ensued between the Board and Attorney Bowen re: the different ways a town can accept the road, who is responsible for maintenance, what needs to be recorded at the Registry of Deeds, etc. Mr. Barrett stated they will need to request an acceptance plan to review from Long Built Homes.

MOTION: Mr. Reed moved to notify the Selectmen that the roadway was constructed in accordance with the rules and regulations of the Planning Board, except as waived, with the recommendations that the plan be recorded and if the Town seeks to take an easement or fee in the road, the ownership interest of individual lot owners in the road be shown on the plan. Mr. Cronan seconded.

NOTE: Brief discussion ensued re: the Mylar. Mr. Reed withdrew his motion due to the fact he has not seen the Mylar.

IV. PUBLIC HEARINGS

V. CONTINUED PUBLIC HEARINGS

VI. REFERRALS

VII. ANY OTHER BUSINESS/DISCUSSION

A. Executive session - Discuss Bay Pointe mediation proceedings.

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

IX. CORRESPONDENCE
See correspondence in packets.

X. ADJOURNMENT

MOTION: Mr. Cronan moved to enter into Executive Session for the purpose of Bay Pointe mediation proceedings and to not return to regular session. Mr. Reed seconded.

Roll Call Vote: Bob Reed - Yes
John Cronan –Yes
George Barrett - Yes
Mike Baptiste -Yes
Mike Fitzgerald – Yes

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

**George Barrett, Chairman
WAREHAM PLANNING BOARD**

Date copy sent to Town Clerk: _____