

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: July 25, 2016

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members present: Mike Baptiste, Vice Chair
John Cronan
Mike Fitzgerald
Bob Reed
Alan Slavin, bos liaison

Also present: Ken Buckland, Town Planner

III. PRELIMINARY BUSINESS

A. Approval of meeting minutes: April 13, 2015, April 11, 2016

MOTION: Mr. Reed moved to approve the minutes of April 11, 2016 as written. Mr. Cronan seconds.

VOTE: (4-0-0)

MOTION: Mr. Cronan moves to approve the minutes of April 13, 2015 as written. Mr. Reed seconds.

VOTE: (4-0-0)

B. ANR – 3 Tow Road - CJE & R CO., Inc. – c/o G.A.F. Engineering, Inc.

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.

Factory 5 Racing is interested in purchasing a parcel of land from CJE & R Co., Inc. A 150' x 275' piece of land was separated from CJE & R Co., Inc. to sell to Factory 5 Racing. Parcel A will eventually become part of Lot 104G.

MOTION: Mr. Cronan moves to endorse the plan. Mr. Fitzgerald seconds.

VOTE: (4-0-0)

C. ANR - 13 & 15 Sunset Avenue – Butler – Reconsideration

Present before the Board:

The project was previously rejected as the shed would be sitting on the proposed property line. The applicant had provided information on Planning Law as to what standard a From A should be approved under state law and case law. The standard states that if the way provides appropriate access and if the frontage meets zoning requirements the ANR may be approved.

MOTION: Mr. Cronan moves to deny the plan. Mr. Fitzgerald seconds.

VOTE: (3-1-0)

D. ANR – 19 Bay Pointe Drive – Thomas Furtado

Present before the Board: Tom Furtado, Bay Pointe
John, Bay Pointe

The applicant is requesting to create 5 single family lots that front Onset Avenue, in the MR-30 Zone. Each of the 5 lots conform with the MR-30 zoning requirements. 4 of the 5 lots do encroach slightly into the CR Zone. Discussion ensued as to which zoning district is less restrictive. The Board decides to have counsel review which district is the more restrictive.

MOTION: Mr. Reed moves to present the plan to counsel and continue the public hearing until August 8, 2016. Mr. Cronan seconds.

VOTE: (4-0-0)

E. Form C – 9 Cahoon Street – Melvin Gauley – Covenant Extension

As per the last meeting, the applicant had to submit a covenant that had been signed by the mortgage holder. The applicant had submitted the recorded covenant, but it was not signed by the mortgage holder.

MOTION: Mr. Cronan moves to continue the public hearing until the documentation is received. Mr. Reed seconds.

VOTE: (4-0-0)

IV. PUBLIC HEARINGS

V. CONTINUED PUBLIC HEARINGS

VI. REFERRALS

VII. ANY OTHER BUSINESS/DISCUSSION

A. Staff Report: Zoning amendments for Fall Town Meeting:

- **Definitions**
- **Use Table**
- **Solar Energy**

Addressing the blank spaces in the use table: The Board can either fill in the blank spaces on the tables with “Y” or “N” or add a notation at the end of the table stating that blank spaces in the table mean the use is prohibited. The Board decides to add a notation at the end of the table.

Adding definitions: Livestock and poultry, pets and riding stable. The Board discusses what constitutes a horse stable as caring for a pet and one as a commercial use. No definitive solution is reached.

Daycare center: The existing definition states a daycare as having 5 or more children of pre-school age. The state standard is 12 children. It is suggested to list out a new line in the chart that a center of less than 12 can be a home daycare, but 12 or more would be a more commercial venture. The Board discusses that 12 should not be allowed. The concept works but the number (of children) does not work. No decision is made at this time.

Storage facilities: Temporary storage facilities will be allowed in all districts. The Board discusses how long is temporary, how it is enforced and who enforces it. The discussion is tabled.

Bed and breakfast: A fairly complex description of a bed and breakfast and guest house was drafted by Mr. Buckland to establish the difference between a rooming house, etc. Discussion ensued about if the owner needs to be in the house while the guests are renting or staying there. The discussion is tabled.

The list is reviewed to see which items take priority for Town Meeting.

The Board discussed accessory building setbacks when the existing building does not meet required setbacks. This item is tabled.

The Board agreed to not allow car sales or repairs in any residential district.

The definitions for building and structures: The building area was changed to clarify what may have been an error in the definition of building area, that the measurement is taken from the outer walls of the building. How to measure height was an issue. It was proposed that the average finished grade of the ground to the highest point of the roof, not including chimneys, antenna, copulas, staircases or a parapet of more than 3'. It was also proposed to measure to the highest point of the roof beams or the top of the rafters at the ridge. No decision was made at this time.

Mr. Moore had recommended that a retaining wall under 4 feet is not to be considered a structure but shall state as being built to “building standards” although it doesn’t need a building permit.

Definition of junk materials: The By-Law does address junk and what is considered junk already.

EMS has not been included in impact statements and should be. The Board agrees to add EMS to the entities that are notified.

The overlay districts concerning flood zones: the state building code allows building within the V Zone so the by-law should be changed to state that building is strictly regulated within the district. Discussion ensued. No decision was made at this time.

Solar Energy systems: The Board reviews the Marion Solar By-Law. The Board discusses that setbacks and screening should be included in the By-Law as well. The Board felt the By-Law was appropriate.

Accessory apartments: what are the area requirements, what are the side and rear requirements, is it only in a detached one family dwelling, how many curb cuts, what kind of parking requirements, is there a minimum size, does it meet criteria for being a complete dwelling unit, does the owner have to live there, can it be located on a separate unit, does it detract from the architectural character, how does it relate to other buildings on the site, has the health inspector and reviewed these, what are the health standards for review. There should be a site plan review process or a special permit process which would put it into a different process. The Board feels it must be attached to the residence or inside the residence and family relation must be proved. The Board is concerned with how that will be policed. No decision is made at this time.

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

IX. CORRESPONDENCE

A. See correspondence in packets.

X. EXECUTIVE SESSION

A. Bay Pointe Club Mediation

XI. ADJOURNMENT

MOTION: Mr. Cronan moves to adjourn the meeting at 9:40 P.M. Mr. Reed seconds.

VOTE: (4-0-0)

Date signed: 9/12/16

Attest: 
George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 9/13/16