**MINUTES OF MEETING OF WAREHAM PLANNING BOARD**

**Date of Meeting: September 28, 2015**

1. **CALL MEETING TO ORDER**

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

1. **ROLL CALL**

Members Present: George Barrett, Chairman

Michael Baptiste

Michael Fitzgerald

Robert Reed

Michelle Fernandes, Associate member

David Pichette, Interim Town Planner

1. **PRELIMINARY BUSINESS**
2. **Announce October 2015 Planning Board meeting schedule.**

Mr. Barrett stated in lieu of the Columbus Day holiday & Town Meeting (two regularly scheduled meeting nights), the Board will only be meeting once in October. The Board concurred to meet October 19, 2015.

1. **Dates to remember:**
2. **Monday, October 19, 2015 – Public Hearing(s) on 2015 Fall Town Meeting Warrant articles.**
3. **Monday, October 26, 2015 – Town Meeting**
4. **Discussion: A.D. Makepeace Co. – Mylar plans for previously approved minor modification to Rosebrook Way subdivision.**

Present before the Board: Richard Serkey, Esq.

Phil Cordero, A.D. Makepeace Co.

It was stated that in April 2010, a plan had been approved for Rosebrook Medical Park. A year later, the plan was modified to accommodate changes at the entrance. That change was treated as a minor modification & was approved. The Planning Board never notified the Town Clerk and the Mylars were never signed. This issue came to light recently because one of the lots created by the modification is being sold.

Attorney Serkey asked the Board sign the Mylars tonight to begin the appeal period, advising the Town Clerk of the minor modification, & then the Mylars can be recorded. He stated nothing has changed in the interim. The Board concurred to sign the Mylars this evening.

1. **PUBLIC HEARING**

There were no public hearings scheduled at this time.

1. **CONTINUED PUBLIC HEARINGS**
2. **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.**

Present before the Board: Tim Fay, Bay Pointe Club, LLC

Tom Furtado, Bay Pointe Club, LLC

Richard Serkey, Esq.

Mr. Barrett stated Charles Rowley will not be present at the meeting this evening. He asked the applicant if they had responded to Mr. Rowley’s previous review. The applicant stated they had replied & they seemed to be in agreement. The applicant stated that drainage on Cahoon Street had been a concern & they had addressed this, but had not yet received a response from Mr. Rowley.

Mr. Barrett questioned the phases. He stated the first phase would deal with the multi-units and then in the subsequent phase, it would deal w/ the single units. He asked if they had a time frame of when they would start the next phase and what it would be. Mr. Fay stated they would start with the 32 multi-units. When they see a comfortable number of sales, they would then start construction on the single family lots. He stated it is market driven not time driven.

Mr. Barrett asked if the development of the single family lots is when they would have to make major renovations to the golf course. Mr. Fay stated the development of the single family homes could begin without the major redevelopment of the course. He explained it is the outer loop of the single family homes that requires the construction of the new 2nd hole and the closing of the existing 12th hole.

Mr. Barrett stated it had been a concern that everything (the golf course and the new development) would be torn up and would drive away sales. Mr. Fay stated it is their intention to redevelop the new 2nd hole and allow that to mature before beginning work on the 12th hole so there won’t be a period of time where neither of those holes are available.

Mr. Fitzgerald believes there is an error on the plan that states the development of five (5) four-plex units. He feels the applicant has changed it to two (2) four-plex units. Mr. Fay stated there was an error on the plan & they are proposing two (2) four-plex units.

Mr. Fitzgerald noted that duplex units 15-26 were where the quad-plexes were initially. He expressed concern that the arrangement of the units is very tight and close together. He would like to know if the units could be spread out more. He also noted he doesn’t see defined drainage easements on the plans. Mr. Fay stated they had changed the area of the quad-plexes & the duplexes due to concerns of the Bay Pointe community. They had arranged it in a way they felt was more aesthetically pleasing and created more depth. Mr. Fitzgerald noted that some of the units are 16 to 18 feet apart & seem too close together. Mr. Fay stated that it is a design choice. He stated with depth, landscaping, & placement that they will create a visual that will work how they would like it to. Mr. Fitzgerald questioned if it will give potential residents space to live comfortably. Mr. Fay believes it will. He stated having designed other communities with like settings, they consciously made the choice to design the units in this way.

Mr. Reed stated there is no place for children to play & they do not want to create the development for people who are 55 years plus. He stated there are stipulations against swing sets, basketball courts, etc. Mr. Fay stated they are appealing to empty nesters, not young families with children. He states the condominium development on the 17th hole has only one 15 year-old boy living with a grandparent out of 62 residents. He believes the design concept & amenities they offer will continue that living arrangement. He added that they would never turn down a family, but it would be their choice to live there & that’s not the angle the development is geared toward.

Mr. Fitzgerald discussed the matter of septic systems & whether it would be better for the individual units to have their own private systems instead of Town sewer. He has reservations about individual systems and would like to see one system instead of multiple. He would like to know if they had anything else to offer on the septic system. Mr. Fay stated he asked his team to discuss the engineering benefits of a single pump system vs. a low pressure system, as they designed it. He?????????????????? believes the sewer commissioners prefer a low pressure system to a single pump system because it delivers the product to the Town in a different format that is easier to process. From a developers standpoint they don’t lose a lot locating a central pump station and they don’t affect the multiple homes around the central pump station which would decrease the value of the units. From a phasing and executing the development plan to mobilize a site company to execute a single pump station system would require the company’s arrival on day one and require them to stay there until completion. This proposed system can be done in phases. From their development plan perspective and the Towns perspective on how they receive the material it seemed the low pressure system seems to vastly outweigh a single pump system as far as benefits.

Mike Fitzgerald is concerned about power failures and not each house having a generator and the individual lots not being able to use their system. He states that the Town likes these systems because they are not responsible for them, the homeowners are, and not every homeowner will have the money to fix issues immediately.

Tim Fay states that the homeowners association will have a managed process on how to deal with these issues. He had the discussion of generators at every home and not everyone thought it was a good idea because not everyone will know how to use the generator. Tim Fay had then suggested that they could have a centralized generator to pump during extended outages which was also stated as impractical to have a truck with a generator driving around to the individual houses. The septic systems have been designed with outlets and plugs on the exterior so they can be pumped regularly. The homeowners association, on-site mechanics and maintenance with experience will be on the property and they believe that they will be able to manage these events.

George Barrett asked if the homeowner or the homeowners association would be responsible for the septic systems. Tom Furtado stated that the homeowner is responsible for their septic system, however, the homeowners association will be responsible for the vendor that monitors each individual pump to monitor trends, the homeowners association will handle the responsibility of the maintenance contract.

Mike Fitzgerald asked about lot 59 and 58 they asked if they will replace the current building there. Mike Fay stated it will be razed and replaced with the maintenance building.

George Barrett said last meeting there was still questions about the cul-de-sac, and moving the fence. Tom Furtado stated that they are not opposed to moving the fence but they are not aware if they are allowed to move the fence onto what they believe is Town property, but they did increase the size of the cul-de-sac to 40’. George Barrett states that would be the decision of the road commissioner if they can relocate the fence onto Town property.

George Barrett states he had initial been opposed to the individual pump systems, but states he may be softening on his opinion after hearing the applicants reasoning for choosing individual systems. He does state that if he were a homeowner he would be concerned.

Tim Fay states that he has been in contact with different developers who use these systems regularly, and the developers are stating that people love it. Mike Fitzgerald states that he doesn’t disagree with that, but he believes the type of people that will be in this development may not be able to afford septic repairs as readily as others. Tim Fay believes the Board is underestimating the potential client and he believes they will not be under any financial shortcomings.

George Barrett asked for public comment.

Present before the Board: Steve Turner, Bay Pointe resident

He states he is familiar with the Bay Pointe at Mattapoisett and the prices have been going down. He states he moved to Bay Pointe because he really enjoyed the atmosphere. He states had the community been 55 plus he would not have been able to move into the area. He says that the closeness of the property has never been a concern or issue for him. He says he has been opposed to the proposed project and had written many letter of concern to Bay Pointe Club, LLC. He believes the Board has asked many necessary questions and has been quite thorough. His perception of the project has changed dramatically. One of his biggest concerns was how it would affect his property value and the atmosphere he enjoyed. He met with the developer with a list of questions he had. One of his question was what would this new development look like. He is more impressed with what it will look like in comparison to what it does look like. He doesn’t believe that people in condominiums are very concerned with how close they are. He states that most people there are retired, and there aren’t many children around because people realize it is not a place to raise children. He believes the people that will be attracted to this development will be avid golfers and people with a lot of time on their hands. He would personally like to see some type of resolution on the project from the Board. He believes this project will enhance his property value and the atmosphere. He believes the Board should take into consideration all of the people that are in support of this project.

Mike Fitzgerald is concerned about closing the hearing without Charlie Rowley or John Cronan present. George Barrett stated he would like the Board to actively appear with some conditions. Richard Serkey suggested they could close the public hearing tonight and the Board may review their conditions and make a decision. George Barrett stated he is hesitant in closing the public hearing in lieu of other concerns that may be presented. He asks for a continuance to the October 19, 2015 public hearing.

A motion is made and seconded to continue the public hearing to October 19, 2015 at 8:15p.m.

**(4-0-0)**

1. **ANY OTHER BUSINESS/DISCUSSION**

Present before the Board: Tom Bicki, Junk Study Committee

Tom Bicki states that at the last hearing the citizens voted to examine the existing town By-Law as it relates to junk. All businesses that sell junk or antiques in the state of Massachusetts fall under MGL Ch. 140 § 54 which requires them to obtain a junk license. By the state’s definition junk also includes second hand merchandise. As it exists the town currently has 5 junk licenses with junkyards, which was the initial reason for the junk licenses. The Town currently has 2-3 businesses in Town selling second hand merchandise. The committee came before the Town to regulate these businesses. The committee is looking more toward licensing the businesses that sell second hand items and request that an an unlimited number of licenses be granted to address the current businesses as well as future businesses. The goal of this is to bring current and future businesses into compliance. He states that the committee is proposing that new businesses regarding second hand items remain in commercial zones. The committee is also proposing to set regulations for the collection boxes that are set around the Town.

Mike Fitzgerald asked how this will affect auto body shops that sell used parts. Tim Bicki stated that the auto body shops have their own state regulations to follow and will not fall under this By-Law.

George Barrett stated that this issue was on the agenda for October 19, 2015, and the Board will grant a decision at that time.

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

No new business discussed at this time.

1. **CORRESPONDENCE**

Correspondence was reviewed.

1. **ADJOURNMENT**

**MOTION: A motion was made & seconded to adjourn the meeting at 8:20p.m.**

**VOTE: Unanimous (4-0-0)**

**Date Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**George Barrett, Chairman**

**WAREHAM PLANNING BOARD**

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