

MINUTES OF EXECUTIVE SESSION MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: March 28, 2016

I. CALL MEETING TO ORDER

The meeting was called to order 10:00 A.M.

II. ROLL CALL

Members Present: George Barrett, Chairman
Michael Fitzgerald (at 11:00)
Robert Reed
Alan Slavin, bos liaison
David Pichette
Ken Buckland, Town Planner

III. PRELIMINARY BUSINESS

A. Executive Session to Mediate the Planning Board Decision Appeal by Bay Pointe Club, LLC

Present before the Board: Rick Bowen – Town Attorney
Charlie Rowley – Town Review Engineer
Mark Bobrowski – Mediator
Chris Huntress – Huntress Assoc. – Mediator's Landscape Architect
Don Layton – BETA – Bay Pointe's Landscape Architect
Tim Fay – Bay Pointe
Patrick – Bay Pointe
Tom – Bay Pointe
John – Bay Pointe
Richard Serkey – Bay Pointe's Legal Counsel

Mark Bobrowski begins by asking Chris Huntress if he had seen a significant difference between the initially proposed plans and the presented conceptual plans from Bay Pointe. Chris Huntress states that he had not yet seen the original proposed plan at this time.

Tim Fay begins by stating the general changes they had made on the conceptual plan; they eliminated the fee interest lots, eliminated the concept of side yard setbacks, and created more condominiums.

Don Layton presents the originally presented plan with 90 units. Without changing the area of development they have clustered the homes and reduced to 84 units. They have created more duplexes and more green space. There is a garage proposed in each unit and 2 cars can fit side by

side in each driveway. The road accessing the quad units has been removed and all quadplexes have been removed from the plans.

Mark Bobrowski asks if each unit in (what the Board refers to as) area "C" has an exclusive use area. Tim Fay stated that each house has an exclusive use area which expands into a shared use area.

There are still 56 units proposed in area "C", as shown on the previously submitted plans. The reduction in units takes place in areas "A" and "B".

Don Layton states no duplexes are closer than 15 feet, two houses are 10 feet apart. The landscaping is intended to be at the same level as previously proposed. The size and scale of the buildings has not changed, the units range from 1,500 square feet to 2,000 square feet.

Bob Reed asked if units 22 and 23 in area "C" have retaining walls behind them. Tim Fay states that they are retaining walls, that he is trying to match the homes to the topography as much as possible, and also to keep as many trees as possible.

Don Layton points out that there are sidewalk systems in areas "A", "B", and "C".

George Barrett asked if the applicant had reduced road impacts on the conceptual plan.

Don Layton replies that they have shortened the roads, have fewer driveways, and have removed one road, which reduces the overall coverage. He also stated that the straightaways could be loose gravel instead of bituminous concrete if the Board wished to see that.

Bob Reed asked if the cul-de-sacs are proposed to be paved. Don Layton says the cul-de-sac needs to be hard pavement for turning, but suggested they could finish the cul-de-sac with oil sands.

Mark Bobrowski asked if the conceptual road layout has been presented to the Fire Department.

Don Layton stated the new conceptual road layout has not yet been presented to the Fire Department, but he does not foresee complications arising with this layout.

Mark Bobrowski asked if the applicant had put any more thought into installing individual generators for the septic systems. Tim Fay stated that they had the specs for the generators to present to the Board.

At this time Bay Pointe separates into their mediation room leaving the Board to discuss with Chris Huntress.

Mark Bobrowski asked Chris Huntress for his opinion of the plans. Chris began by stating that in a good site plan design and landscaping has more impact on a development than density. He states that his initial intake of the plans is that the revised plans are an improvement from the previously presented plans.

Bob Reed states that he has concerns with guest parking in area "C".

Mike Fitzgerald enters the meeting at 11:00. The Planning Board meeting is officially convened in open session. Chairman George Barrett states the purpose of the Executive Session is to discuss strategy with respect to litigation, and that the Board will not reconvene in open session. The roll call vote to enter Executive Session finds George Barrett, in favor, Michael Fitzgerald, in favor, and Robert Reed, in favor.

Bob Reed states another concern is that some houses are placed directly on the property lines.

Mike Fitzgerald stated he believes the area behind the houses on the lot lines is all wooded area, not to be developed, which would cause less concern for the houses proximity to the lot lines. He suggests possibly creating an agreement with the applicant not to develop that wooded area and leave the houses on the lot lines.

Bob Reed commented that there is still a sand trap encroaching on one of the lots.

George Barrett asked who would be the caretakers of the property. Mark Bobrowski stated that an association of some kind would care for the property maintenance and upkeep.

Chris Huntress asked if the parcel boundaries were designed the way they are for a specific reason. The Board responded that there was no particular reason, it was the way the applicant had set them up. Chris suggested that the parcel lines could be moved to create more space and avoid the sand trap.

George Barrett stated that he was concerned the golf course would infringe on the homeowners land. Bob Reed stated that he is concerned that lot restrictions will create golf course space on the homeowners properties.

Chris Huntress states that the association that is put in place should ensure the property remains the owners. He suggested fencing or shrubbery in between the houses and the golf course to make the limitations more clear. Mike Fitzgerald responded that the applicant had previously been opposed to man-made structures between the homes and the golf course.

Mark Bobrowski asked what the Board felt would be a reasonable distance between the houses and the green. He asked if 50 feet would be a reasonable distance.

George Barrett stated that when you buy a house on a golf course you may expect some golf balls on the property.

Mike Fitzgerald answered that 50 feet would be a reasonable distance for houses from the golf course. Mike also mentioned that units 11 and 12 of area "B" could be moved, and they do not have guest parking.

Mark Bobrowski stated that additional visitor parking would deteriorate the open space the applicant created.

Chris Huntress states that the parking shown could be adequate for guest parking also.

Mike Fitzgerald states that the Board allowed the applicant to construct roadways that were more narrow than the requirements under the agreement that there would be visitor parking created, so as to avoid parking on the road.

Alan Slavin states that the parking area for the golf course could not substitute as guest parking.

Chris Huntress suggested creating buffers between the golf course and specific lots, or moving specific lots to avoid golfers on the property.

Mark Bobrowski asked how the Board felt about the arrangement of area "A".

Bob Reed said that the applicants reduced the number of units by removing the quadplexes, but he is still concerned with guest parking. He mentions that unit 21 is on the lot line and close to the house abutting them.

Mike Fitzgerald suggests creating more space by using area from the woods, since the golf course doesn't require that space.

Mark Bobrowski asked the Board if they should require the applicants to move units 13 and 14. The Board agrees that they should be reconfigured spatially.

Mark Bobrowski asked the Board how they felt about area "C".

Mike Fitzgerald suggested that units 19 and 24 could be given some space from the wooded area and that units 9, 10, 15, and 16 could be moved to generate more space between the houses and avoid seeing your neighbor through the windows. Mike also stated he is concerned with the amount of footage between unit 16 and the tee on the golf course.

Chris Huntress pointed out that Starboard Drive is close to units 36, 37, and 48 and could be shifted.

Mike Fitzgerald says he believes 30-40% of the homeowners living in this development would not be playing golf. He states he would like the development to be appealing to the homeowners who are not golfers as well. He doesn't want the golf course to be the main attraction; he wants to look at the development separately from the golf course. He would like the Town to be proud of this development.

Chris Huntress stated that the Board should focus more on architecture and landscape and less on density.

Mark Bobrowski suggested making a comprehensive list for areas "A", "B", and "C" to review with the applicant.

George Barrett asked if anyone would like to discuss the concerns with the septic. Mark Bobrowski interjected that the Board had already essentially conceded to allow the grinder pumps in the last mediation.

Mark Bobrowski reviews the issues with areas "A", "B", and "C".

- Area "A": Units 19, 20, 21 the Board would like to see open space behind these units. Units 13 and 14 should be moved or removed due to their proximity of a privately owned home off of the property. Unit 15 should be a duplex with unit 16 due to their close proximity to one another.
- Area "B": Units 12 and 11 should have larger lots. Units 1 and 2 should have larger lots and remove the sand trap from the property. The corner between units 10 and 11 should be moved.
- Area "C": Units 44 and 45 need to be moved/turned so the windows aren't lined up with one another. Mike Fitzgerald suggested they could be removed. Unit 27 needs more space on its lot. Units 36 and 37 are too close together. Unit 29 and 30 the porches are too close to one another. Unit 37 and 38 need to be moved so the windows aren't lining up with one another. Units 15, 16, 9, and 10 need to be angled differently to create more space. What is the break between the trees in area "C"? Move some units back from the roadway.

Chris Huntress believes the architecture should be mentioned and the Board should be provided with architectural renderings.

Charlie Rowley states a preliminary plan has been submitted, if the Board offers specifics he feels it would complicate the process. Charlie would like to know why they aren't reviewing more exact plans of tree lines and contours. He's afraid if the Board gives opinions and directions now the results will not be what the Board expects. He also wants to know how presenting a brand new plan in the mediation process deters the process.

Mark Bobrowski states that this will go back to public hearing with more detailed plans than the conceptual plan, both parties are present only to come to terms with the preliminary plan and the 40' scale plans will be presented at the public hearing.

Charlie Rowley thinks sewage should be re-addressed, he doesn't see how the septic installation effects the applicants installation of the holes on the golf course.

Bay Pointe returns for joint mediation.

Chris Huntress begins by addressing that it is difficult to match up the architecture and streetscape with the before and after plan. He says to the applicant that he would like to see how interior spaces in the houses work, he would like to see more defined boundaries between the homes and the golf course, and moving homes off parcel boundaries. Chris requests more exact home designs as well, as the designs presented does not match the footprints on the plans.

Mark Bobrowski asked about particular areas needing pavement. Charlie Rowley said he is concerned about plows pushing oil and sand off the road and onto people's properties, and he would need to see specific details before recommending anything. Runoff would also be a concern with oil and sand.

Mark Bobrowski asked how many different architectural renderings of the houses Chris Huntress is looking for. Chris Huntress that the design should match the footprint and the house layout is important as well, especially which way windows are facing and what they are facing into.

Tim Fay states that the architectural renderings given were for the previous plan and new architecture has not yet been designed for this preliminary plan.

Don Layton states that re-visiting the boundary lines gives more flexibility to re-arrange the units.

Chris Huntress reiterates they need clear distinction between residences and golf course space.

The applicant presents a draft of the proposed generator manual.

The applicant states that there is very minimal periodic maintenance on the generators, that they are typically called out for maintenance every 10-12 years. F R Mahoney is the generator company they have decided to use. F R Mahoney can monitor the pump, which will tell them if the pump is too full, not emptying correctly, etc. The cost to maintain the generators is the association's responsibility. The generators are 6,500 watt generators permanently mounted, with a manual transfer switch which will be hard wired.

Alan Slavin said that having a manual switch means someone would have to go out and start the generator in a storm. He states if no one is there then the generator won't run.

The applicant argues that if no one is there to run the pump then there will also not be anyone there creating sewage.

Bob Reed asked if someone will periodically run the pumps to ensure they're working properly.

Charlie Rowley asked who owns the generators.

The applicant states that the homeowners association will be responsible for maintaining the generators and the homeowners association will own the generators as well.

Charlie Rowley asked how much the generators cost.

The applicant replied that the generator and switch costs \$1,200.00-\$1,500.00 and the pump and tank cost around \$5,000.00.

Mark Bobrowski stated that he doesn't see how the construction of the septic system effects the construction of the golf course.

Tim Fay stated that the engineers have phased the project so that the sewer line is replaced in sections, not all at once, and to have one single gravity pump station would require replacing the entire sewer line at once. Charlie Rowley said he respectfully disagrees. Tim Fay stated he would check with his engineers again on the phasing process so he could explain it more clearly.

Mark Bobrowski states the applicant should, before the next mediation, establish more clear boundaries between the homes and the golf course. Mark Bobrowski states that Chris Huntress and Don Layton will be in contact to discuss the plans, and guest parking shall be added to the plans.

The mediation is to continue on April 27, 2016 at 10:00 a.m.

Mark Bobrowski states that if the concerns are absolved in the next mediation the applicant must appear before Judge Piper to remand the appeal. The applicant will then need to appear at a public hearing with the Planning Board. The applicant will be expected to pay Chris Huntress' bill as well as to expect fees from Charlie Rowley for engineer review fees.

The applicant, Chris Huntress, and Town Planner Ken Buckland go to the site to perform a site inspection.

No further comments were made.

MOTION: A motion was made & seconded to reconvene and continue the mediation on Wednesday, April 27 2016 at 10:00 A.M.

VOTE: Unanimous (3-0-0)

I. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 1:28 P.M.

VOTE: Unanimous (3-0-0)

Date signed: 4/16/17 2-0-3 BY MRS. S. TAYLOR

Attest: [Signature]

George Barrett, Chairman
WAREHAM PLANNING BOARD

RECEIVED

SEP 18 2017

Date copy sent to Town Clerk: _____

TOWN OF WAREHAM
TOWN CLERK