

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: Monday, February 24, 2020

I. CALL MEETING TO ORDER

The meeting was called to order at 6:00 P.M.

II. ROLL CALL

Members Present: Mike Baptiste, Sr., Vice Chairman
Richard Swenson, Associate Member
Mike King, Member
Mike Bianco, Member

Also present: Ken Buckland, Town Planner
Charles Rowley, Engineering Consultant

III. PRELIMINARY BUSINESS

A. Meeting Minutes – January 13, 2020 and February 10, 2020

MOTION: Mr. Bianco moves to approve the minutes for January 13, 2020 and February 10, 2020. Seconded by Mr. King

VOTE: (3-0-0)

B. 34-19 ANR - Map 105, Lot(s) C-1, C-2, C-3, and 1002-A – 0 Charlotte Furnace Road – Sarajon Realty, LLC., c/o J.C. Engineering, Inc.

See below – This ANR is in conjunction with the Special Permit below. ANR to be submitted as part as the Special Permit plans.

IV. CONTINUED PUBLIC HEARINGS

A. 35-19 – Special Permit - Map 105, Lot(s) C-1, C-2, C-3, and 1002-A – 0 Charlotte Furnace Road – Sarajon Realty, LLC., c/o J.C. Engineering, Inc.

Mr. Buckland mentions that he is simply looking for clarification due to Notice to clerk had not been executed and minutes were not clear or closure stated. Members discuss amongst themselves. Mr. Buckland will follow up with the two member that are absent today. Mr. Rowley states that the Plan was approved and public hearing was closed. Mr. Swenson states that he agrees with Mr. Rowley. He mentions that the objectives were met of the Zoning By-Laws in regards to the Cluster zone should be and the next step would be to update the map per the conditions that were stated to Mr. Churchill and come back to do the Special Permit and ANR. No action until the Board is ready to endorse the ANR.

Mr. Buckland mentions that the way this came about was due submitting an amendment last in year's town meeting that was passed but it changed some of the zoning regarding signs. Mr. Buckland adds that the Attorney General pointed out that there was a Supreme Court case called "Reed vs Town of Gilbert Arizona" back in 2015 that said that you cannot regulate the content of signs as it is a violation of free speech. The sign read, "this way to church, with an arrow". Buckland mentions that what his intention is, is to take a By-Law that was previously approved by the Attorney General under consideration and simply replacing it with this new section, and he displays it to the Board adding the mentioned specifics.

Mr. Bianco asks Mr. Buckland if it was due to the religious content that the town of Gilbert had an issue with and Mr. Buckland confirms that what they had done was that the sign was put up by a religious institution and it had to be regulated in a certain way and the Supreme Court said that it cannot be regulated by content.

MOTION: Mr. Swenson moves to adopt for Spring Town Meeting. Seconded by Mr. King.

VOTE: (4-0-0)

- **Under Article 2, Section 222 and Article 4, Section 420, update the references to the FEMA Flood Insurance Rate Maps and amend the Flood Plain District overlay bylaw.**

Mr. Buckland says that there is a process in the federal regulations that the property owner can appeal the designation of the flood hazard on their property if they are outside or above the flood elevation and thereby protected from the requirements of the flood insurance program and still be protected under Federal Law. He mentions that there have been a number of property owners that have gone through this process and have been approved to that affect. He says that FEMA has said that they want to modify the maps and recognize all the changes that have come along in the process. Mr. Buckland wants to reference those maps in the Zoning By-Law to remain in compliance with the Federal insurance program in the event there is a flood that the Town residents are protected and able to recover for losses. Mr. Buckland mentions that the flood plain management office were the ones that gave us the heads up and notified us that this was coming along with noting that there was a conflict with the building code that came along with the zoning that is in place.

Conversation ensued regarding all the requirements for the Flood Plain amongst members of the Board and the meeting attendees. Mr. Buckland reviews the By-Laws and answers their questions.

Mr. Moniz reads By-Laws and expresses his concerns regarding some of the language. Mr. Morris also adds to the conversation and discuss the different flood zones. Conversation continues discussing ideas and questions regarding the flood maps.

MOTION: Mr. Baptiste moves to close the Public Hearing Seconded. Seconded

VOTE: (4-0-0)

MOTION: Mr. Swenson moves to split the article into two halves and the FEMA map and regulations to be one and include it in Spring Town Meeting warrant and take the conflicts pointed out by the State around 4:21 and table it to deal with it separately. Seconded.

VOTE: (4-0-5) Finance Committee

VI. ADJOURNMENT

MOTION: Mr. Swenson moves to adjourn the meeting. Mr. King seconds.

VOTE: (4-0-0)

Date signed: 3/9/20 3-0-1

Attest: [Signature]

WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: _____