

WAREHAM PLANNING BOARD

MINUTES OF THE MEETING

Monday January 24, 2022

Time: 6:00 P.M.

Place: ONLINE MEETING

Connection:

<https://us02web.zoom.us/j/82174561124?pwd=VXRpdWhjVGhSTHNEbHVQQW4xYkFKUT09>

One tap mobile: +1 929 205 6099,,,*022196#

WAREHAM TOWN CLERK
2022 JUN 21 PM4:26

1. ROLL CALL AND READING OF MISSION STATEMENT

Present

Richard Swenson

Carl Schulz

Sam Cobitt

Mike King

Mike Baptiste

3-0-0
Richard Swenson, Clerk

Asst. Town Planner Aaron Shaheen

Consulting Engineer Charles Rowley

Director Ken Buckland

2. PLANNING BOARD NEWS

Richard S. states new additions to the Wareham Planning Board website.

3. PRELIMINARY BUSINESS

1. #37-21 Definitive Subdivision Plan – Tobia Way – Christian E. Tobia – Map 40, Lot(s) 1002, 1020, 1021, & 1022 – 2 Lot Subdivision (VOTE ON APPROVAL)

Applicant: Christian Tobia

Aaron S. has worked with the applicant's engineer to assemble the approval documents and recommends a vote. Aaron S. and Richard S. present the Certificate of Approval. Carl S. is concerned with the street name and approval by the 911 coordinate. Christian T. states the 911 coordinator approved of the street name.

Motion to approve waivers for Tobia Way Subdivision by Sam Corbitt, Second by Mike King, Vote 5-0-0

Motion to rescind the existing subdivision plan granted Robert B. on 1974 for Lot 1022 recorded in the Plymouth County Registry of Deeds plan book 18 page 135 by Sam Corbitt, Second by Carl Schulz, Vote 5-0-0

Motion to approve the subdivision application for the Tobia Way subdivision by Sam Corbitt, Second by Carl Schulz, Vote 5-0-0

2. #1-22 ANR – 91 & 101 Fearing Hill Road – Wareham MA 3, LLC., c/o Atlantic Design Engineers, Inc. – Map 91 & 74, Lot(s) 1000 & 1007– Five Lots

Applicant: Joe Shanahan

Joe S. states he will withdraw the application

4. **CONTINUED PUBLIC HEARINGS – SPECIAL REVIEW**

The following subdivisions are submitted solely for the purpose of freezing zoning to protect development opportunities.

Motion to have Attorney Bowen review the covenant template for the projects below by Carl S., Second by Sam C., Vote 5-0-0

1. **#40-21 Definitive Subdivision Plan – 140 Tihonet Road – A/D Makepeace Company, c/o G.A.F. Engineering – Map 111, Lot(s) 1000-F, 1000-H1, 1000-H2 – Three Lot Subdivision**

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

2. **#41-21 Definitive Subdivision Plan – 150 Tihonet Road – A/D Makepeace Company, c/o G.A.F. Engineering – Map 111 & 112, Lot(s) 1000-B, 1000-C & 1000 – Three Lot Subdivision**

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

3. **#42-21 Definitive Subdivision Plan – 27 Charge Pond Road – A/D Makepeace Company, c/o Beals and Thomas, Inc. – Map 110, Lot(s) 1015, 1016 & 1024 – Three Lot Subdivision**

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

4. **#43-21 Definitive Subdivision Plan – 0 Maple Springs – A/D Makepeace Company, c/o Beals and Thomas, Inc. – Map 111, Lot(s) 1010, 1011, 1012, 1013, 1014, 1015, LC6 – Three Lot Subdivision**

Applicant: Greg Sampson speaking on projects 40-21, 41-21, 42-21, and 43-21

Greg Sampson explains the process for zoning freezes and the proposed process to approve the subdivision plans with less review of the road construction due to the fact they most likely will not be built. Greg Sampson states he wants to work with Town Counsel to create a covenant that protects the town and the applicant. Greg S. requests a continuance to February 14, 2022.

Nancy McHale states the process confuses her. Richard S. states the subdivision plan is meant to freeze zoning and the covenant is meant to protect the town and the board. Richard S. states the projects with approved solar farms will have that use incorporated into the covenant along with agriculture and conservation, and the other projects without the approved solar farms will call out agriculture and conservation only.

Tricia Wurtz states saving time may not be the best benefit to the citizens. Tricia W. states she is concerned about the applicant changing the use for the land.

Faith Berry is confused by the process and is concerned there will be subdivision built at each site.

Richard S. explains the zoning freeze process.

Jennifer is concerned with the applicant being able to build residential homes.

Richard wants to know where the zoning by-laws are located on the town website

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

5. #44-21 Definitive Subdivision Plan – Rocky Maple Lane – Brett Meredith, c/o Beals and Thomas, Inc. – Map 104, Lot(s) 1049A, 1049B, 1049D, and 1050A – Three Lot Subdivision

Applicant: Charles Le Ray

Charles Le Ray asks to modify the covenant to allow for all uses allowed under zoning. Charles R. states modifications to the site should be submitted through the site plan review process.

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

6. #45-21 Definitive Subdivision Plan – 370 County Road – Entero Energy, LLC., c/o Prime Engineering, Inc. – Map 64 & 65, Lot(s) 1006, 1008, 1009, 1010 & 1000A, 1000B, and 1001 – Two Lot Subdivision

Applicant: Aaron Reardon

Aaron R. has not comment.

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

7. #46-21 Definitive Subdivision Plan – 1-13 North Carver Road – LSE Tucana, LLC., c/o Prime Engineering, Inc. – Map 103, Lot(s) 1037, 1038, 1039 – Two Lot Subdivision

Applicant: Aaron Reardon

Aaron R. has not comment.

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

8. #47-21 Definitive Subdivision Plan – 91 & 101 Fearing Hill Road – Wareham MA 3, LLC., c/o Atlantic Design Engineers, Inc. – Map 91 & 74, Lot(s) 1000 & 10007– Two Lot Subdivision

Applicant: Joe Shanahan

Joe S. has not comment.

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

9. #48-21 Definitive Subdivision Plan – 36, 44, 48 North Carver Road – LSE Hydra, LLC., c/o G.A.F. Engineering, Inc. – Map 104, Lot(s) 1046, V/B, and V/C – Three Lot Subdivision

Applicant: Bob Rogers

Bob R. has not comment.

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

5. **CONTINUED PUBLIC HEARINGS**

1. **#21-21 Site Plan Review – Wareham MA 3, LLC – 91 & 101 Fearing Hill Road – Map 91 & 71, Lot(s) 1000 & 1007 – Ground-mounted Solar Energy Generation Facility (CONTINUE TO 2/28/22)**
2. **#31-21 Site Plan Review - LSE Hydra, LLC. - 36, 44, 48 North Carver Road, Wareham, MA - Map 104 Lot 1046, V/B & V/C - Ground-mounted Solar Energy Generation Facility (CONTINUE TO 2/14/22)**
3. **#32-21 Definitive Subdivision Plan - RESI, LLC - 36, 42, 48 Robinwood Road, Map 4, Lots A, B, & C – Seven Lot Subdivision**

Applicant: Attorney Thomas Gay, Bob Rogers

Thomas G. Present letter regarding sewer pipe connection to roads abutting and nearby the property. Thomas G. states work related to sewer pipes outside of the subdivision road will be contained within the road. Thomas G. states any damage done to abutting properties on these roads will be fixed.

Charles R. agrees with the letter from Thomas G. that they have the right to work on the private ways but notes any work done to public ways must be fixed in a way that is satisfactory to the town.

Richard S. asks about the waivers for the project.

Thomas G. states the waivers were requested due to the design of the road.

Bob R. states there was a revision from the originally requested waivers. Bob R. makes a reference correct to VI.A rather than VI.B.A for catch basins. Bob R. states the waivers requested for the project.

Charles R. agrees with the waiver for catch basins and drainage.

Carl S. asks if a waiver from lot circles has to be voted on with the rest of the waivers and if it has to be listed on the plan.

Bob R. states it is memorialized on the lot plan.

Motion to approve the waivers by Sam C., Second by Mike K., Vote 5-0-0

Richard S. asks for an updates from the applicant's meeting with the Conservation Commission.

Thomas G. states they will be meeting with them on February 2, 2022.

Bob R. states the Conservation Commission asked to see the sewer route. Bob R. states the Commission asked to show the 50-foot no activity zone required by the Wetland by-laws for subdivision with more than four lots.

Richard S. asks the applicant to work with the planning office and Charles R. to finalize the Certificate of Approval and Covenant. Richard S. opens up the issue of lot shape factor circles. Richard S. states the zoning by-laws gives the Planning Board discretion to waive the requirement for the diameter an occurrence of lot shape factor circles.

Bob R. states a portion of the lot shape factor circle encases a wetland on lot 48 and a portion of the lot shape factor encases the beach no lot 52. Bob R. states both lots comply with the required upland for a buildable lot under the Wareham zoning by-laws. Bob R. states waiving the lot shape factor by-law does not derogate from the zoning by-law.

Motion to approve the lot shape factor waiver by Sam C., Second by Mike K., Vote 5-0-0

Public Comment

Attorney Freidman requests to meeting with Attorney Gay. Attorney Friedman states his clients are concerned with water testing a vehicle traffic.

Marlene Aron is concerned about the driveway on lot 48.

Mike Bessey states the road commissioners are to vote on Robinwood Road and the sewer commission has not approved a connection.

Matt Regerio asks if there will be a connection to a sewer line from Nanumett Street.

Bob R. states they have not submitted an official application to the sewer department. Bob R. states it is a private sewer line connection.

Thomas Donghue requests to keep the public hearing open to give the public time to review documents from the applicant and Charles Rowley.

Motion to continue the public hearing to 2/14/2022 by Sam C., Second by Carl S., Vote 5-0-0

4. #33-21 Site Plan Review - Wareham PV I, LLC - 0 Route 25 - Map 115 Lot 1000 – Ground-mounted Solar Energy Generation Facility - Extend continuation agreement or other action with Attorney Betsy Mason

Applicant: Attorney Betsy Mason

Betsy M. requests to continue to 2/14/2022 to give them an opportunity to speak with Town Counsel on the issue whether the protection granted from an endorsed ANR protects the plan from the changes in the solar by-law made in the Wareham Town Meeting on June 12, 2021.

Carl S. motions to have Attorney Mason engage with Town Counsel to provide guidance on this issue before February 14, 2022, Second by Mike K., Vote 5-0-0

Motion to continue the public hearing by Sam C., Second by Mike K., Vote 5-0-0

5. #36-21 Modification to Special Permit/ Site Plan Review – Bay Pointe Club, LLC, Phase IV – 19 Bay Pointe Drive– Map 9, Lot(s) 1004B & 1004A-1 – 7 New 8-Unit Town House Buildings

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

6. #38-21 Definitive Subdivision Plan – 69 Great Neck Road – David Andrade – Map 41, Lot(s) 1019 – 6 Lot Subdivision

Motion to continue to 2/14/2022 by Sam C., Second by Mike K., Vote 5-0-0

7. #39-21 Site Plan Review – 59 Main Street – Warren QOBZ, LLC. – Map 47, Lot(s) 1124, 1125, 1126 – 6500sf restaurant, 26x60 pavilion, 1500sf commercial/retail space

Applicant Representative: Bill Madden, G.A.F. Engineering

Bill M. explains the revisions to the original plan, which include

- removing a 60' x 40' restaurant addition for a loading area,
- adding a trash pickup area on the south side of the building,
- reducing the width of covered portion of the stairs at the front of the restaurant,
- adding stairs to the deck area on the north side of the restaurant
- changing the type of stone in the stone trench for drainage and adding stepping slabs
- adding two sidewalks on each side of the pavilion
- pavilion reduced to 26.5' x 44' from 24' x 60'

Bill M. makes comment in regards to Charles R. letter. Bill M. states he has no rejection to soil tests as a condition of approval. Bill M. agrees with the construction requirements proposed by Charles R. Bill M. states he will be meeting with Conservation.

Richard S. is concerned about traffic. Bill M. states there are multiple ways to reach the sites. The majority of the board is still concerned about traffic on Main Street.

Charles R. is concerned about the choke point at the northern entrance on the site. The size of the driveway must be 24 feet. Charles R. is concerned about the ability of the dumpster driver to access the site. Charles R. suggests three dumpsters rather than two and specification for the dumpster slab. Charles R. wants more information about the light poles and set them back two feet from the parking area.

Sam C. is not concerned with traffic and feels a traffic study is not warranted.

Public Comment

Ron Enos supports the project and believes it will positively impact the town. Tricia Wurtz supports the project but states the people in the neighborhood behind the development are already concerned about traffic. Jack Nolan supports this project.

Motion to continue the public hearing to February 14, 2022 by Carl S., Second by Mike K., Vote 5-0-0

6. PUBLIC COMMENT ON MASTER PLAN; Updates and New Initiatives

7. WPB LIAISON UPDATES

1. Solar Bylaw Committee (Carl Schulz)

Carl S. states they will be updated Article 3, Section 590, and Article 16

2. Community Preservation Committee (Sam Corbitt)

Sam C. states a meeting is coming up to discuss funding.

3. Capital Planning Committee (Sam Corbitt)

Sam C. states the first meeting is the upcoming Wednesday.

4. SRPEDD (Michael King)

8. STAFF REPORT

9. REFERRALS

10. MEMBER COMMENTS

11. ADJOURNMENT

Motion to adjourn by Sam C., Second by Mike K., Vote 5-0-0

Approved by Clerk: _____



Date submitted to Town Clerk: _____

WAREHAM TOWN CLERK
2022 JUN 21 PM4:26