

WAREHAM PLANNING BOARD
MINUTES – February 14, 2022

I. ROLL CALL AND READING OF MISSION STATEMENT:

Present: Michael King, Sam Corbitt, Carl Schulz, Michael Baptiste, and Jane Gleason were all present via Zoom.

Absent: Richard Swenson

Planning Director, Ken Buckland was also in attendance via Zoom.
Assistant Planning Director, Aaron Shaheen was also present via Zoom.

II. PLANNING BOARD NEWS: None.

III. PRELIMINARY BUSINESS:

1. Permit Compliance Discussion

Mr. King stated there was an intent to have a permit compliance discussion notation on each Planning Board meeting to allow residents to address any non-compliance issues that they felt needed attention; however, since there is not a full board in attendance, Mr. King suggested they would table the discussion.

Mr. King stated one housekeeping business. A site plan review plan was dropped off late this afternoon for 3 Kendrick Road.

IV. CONTINUED PUBLIC HEARINGS – SPECIAL REVIEW

The following subdivisions are submitted solely to freeze zoning to the bylaws that existed before the June 12, 2021, Town Meeting. Presentations of these plans will occur at a Planning Board meeting to be held on February 22, 2022, from 4:00 pm to 6:00 pm via zoom. An agenda will be posted at least 48 hours before the meeting with a link for the public to use to connect to the meeting. Members of the public will be able to speak on the projects.

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

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
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
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
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
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

Mr. King read these subdivision numbers in and stated the owners are aware that there is a special presentation meeting scheduled for these hearings on February 22, 2022, via Zoom from 4:00 pm to 6:00 p.m. He said these subdivisions are about freezing zoning. He said they would need to go through the Special Permit process. He asked if any Board Members had any input as to why/why not there should be freezing of these subdivisions.

Mr. King stated he hadn't received anything from Attorney Bowen. He said the only information he had, was that these freezes have been already voted on by the Supreme Court and there is not anything they can do to stop the freeze via the zoning.

Mr. Schulz stated he thought there was a special process being

Planning Assistant, Aaron Shaheen stated the off-site meeting on the 22nd of February was so that the applicant can issue a subdivision presentation as all have to. He said then they would work through the process. He said they were grouped because of the circumstances. He said as far as speaking to Attorney Bowen, it would occur after the 22nd of February. He said once that meeting takes place there would be more information forthcoming on the process.

Discussion on presenting the plans individually and Mr. Shaheen advised that this was the case, they would be discussed separately.

Mr. Corbitt asked how many would be heard on the 22nd of February. Mr. King didn't think they would get through all of them, but they would certainly try. Ms. Gleason stated that they put it on from 4 pm to 6 pm because Town Meeting is after 7 pm.

Mr. Schulz made a motion to continue the special review public hearings to February 22, 2022, from 4 pm to 6 pm as discussed and was seconded by Mr. Corbitt. The motion passed unanimously via roll call vote. (5-0-0).

V. 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 (Previously continued 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**

Mr. King said this was originally held up to hear information from Conservation Commission.

Mr. Bob Rogers from G.A.F. Engineering was present via Zoom on behalf of the applicant.
Mr. Dan Watson from LSE Hydra was also present.

Mr. Rogers stated that the Conservation Commission issued an order of conditions on February 2, 2022. He said they had previously made changes to the plans per Mr. Rowley's letter. He said there were some changes to realign utility poles and add blueberry bushes per Mr. Rowley's letter for additional screening. He said they minimized the project. He said originally submitted under 10 acres, 3 solar arrays. And now they have 5.88 acres with the 3 arrays.

Mr. King asked for questions from the board members.

Mr. Schulz asked if Mr. Rowley has had a review of the last set of plans.

Mr. Rowley stated he did review plans and he did not recommend blueberry bushes for screening, as those types of bushes would not provide any type of screening. He said he has no other concerns regarding the project.

Mr. Schulz asked about the reduction of arrays that would be enclosed and asked what the total area including setbacks and all other areas.

Mr. Rogers stated it would be very close to that number; he said possibly six acres.

Mr. Schulz asked about the setbacks.

Mr. Watson stated there wouldn't be any tree clearance from the tree line from the setbacks.

Mr. King stated that based on Mr. Rowley's comments regarding the blueberry bushes, he asked if there could be additional bushes staggered in between for more dense bushes.

Mr. Watson stated that would be fine and whatever the board would recommend.

Mr. Rowley suggested something that would be green all year round, perhaps juniper or something of that nature.

Mr. Buckland stated that any additional plantings should be in the buffer area. He said as long as there is a separation between the blueberry bushes and the bushes they are introduced to, it should be fine.

Mr. Watson stated he'd be amicable to whatever the board wanted.

Mr. Rowley stated the blueberry bushes are just outside the fence line and asked that the new plantings be planted between the bushes and Carver Road.

Mr. Rogers asked if this could be entered as a condition so as not to hold up the plans. Mr. Buckland said that would be fine.

Ms. Gleason asked them to word a condition that says the plants they put in have to stay alive for some time.

Mr. Buckland stated there is a condition that words that the plants have to stay alive for a guaranteed two years.

Mr. Rowley asked if Mr. Rogers could come back within two weeks with a plan for screening as well as a decommissioning surety plan of the solar arrays. Mr. Rogers said he would do whatever the board wants.

Mr. Schulz stated he would like to add a condition for a periodic review of the decommissioning surety every five years.

Mr. Sheehan stated in the letter that Mr. Rowley sent there were preliminary conditions that includes adding the decommissioning surety.

Mr. King asked for public comment.

Ms. Nancy McHale asked about the order of conditions through Conservation hasn't been issued as of yet, and perhaps they should wait to receive those in case they have any questions.

Mr. Buckland stated they have not received anything from Conservation as of yet.

Mr. Rogers asked for a continuance until February 28, 2022. He will forward an email to request that in writing.

Mr. Schulz made a motion to continue #31-21 Site Plan Review, LSE Hydra LLC to February 28, 2022, and was seconded by Mr. Corbitt. The motion passed unanimously via roll call vote. (5-0-1).

3. ##32-21 Definitive Subdivision Plan - RESI, LLC - 36, 42, 48 Robinwood Road, Map 4, Lots A, B, & C – Seven Lot

Mr. King opened the continued Public Hearing and stated they would listen to any changes and take public comments.

Mr. Rogers was present for the applicant from GAF Engineering. As well as Attorney Thomas Gay, Jr. was also present.

Mr. Rogers stated there were no changes to the plans dated January 18, 2022. He said their last hearing on January 24, 2022, they received a letter from Mr. Rowley in support. He said he believed they were moved to this hearing because some of the members weren't able to see the information. He said they are looking for approval for the street name change. They were seeking "Maritime Road" and Mr. Buckland stated that might be too close to Maritime Drive across Town. He said there was also a concern for the surety, and they needed a draft condition approval. He said they would hope to close the hearing and move forward with approval.

Mr. Rogers stated that the board approved all the waivers at the last meeting.

Mr. King stated that a couple of residents' letters came in today with concerns.

Mr. Schulz stated one of the other reasons to continue was to meet with Attorney Freedman to try and address some of the abutters' concerns, he asked if they did meet with the attorney.

Attorney Gay stated they were not able to meet with her. He said they were trying to meet however, it never worked out. He said he read the client's letter and the concerns were outside of the scope that the Planning Board would be reviewing. He said that many of the concerns were not relevant (traffic studies); and or discussed already. He said he believes that Mr. Rowley is satisfied with the project, plan, and design. He said they want to be good neighbors to the community and did have an outreach to the neighborhood in the beginning.

Mr. Corbitt asked that many of the comments that come in from the community should be forthcoming to the board members before the actual meeting. He said it is very hard to read them the day/night of the meeting.

Mr. King agreed that material shouldn't be given to them in the eleventh hour. He said that he and Mr. Buckland spoke, and they would do their best to move forward with this request to set a time/date that the material needed to be sent in before the meeting.

Mr. Schulz stated he did have a chance to read the abutters' concerns and he said he didn't review or see anything new in the letters that came in the eleventh hour. Mr. King agreed. Mr. King opened it up for public comment for anything new that they would like to speak about.

Ms. Marlene ... stated she did send a letter to the Planning Board on Friday, and it was posted today. She said that she keeps asking because she hasn't gotten any answers yet. She asked about open space and the consideration to have a park in the subdivision. She also asked about an easement from the subdivision to the water. She also referred to the waivers that were in question. She said she was concerned about the flooding in the area. She also asked about the traffic study and said that the board is going to set a precedent.

Mr. Rowley responded to a resident who spoke about concerns about the drainage system. He clarified that the change was suggested by him for a better drainage system.

Mr. Schulz made a motion to close the public hearing and was seconded by Mr. Corbitt. The motion passed unanimously via a roll call vote (5-0-1).

Mr. King stated they were looking for a proposed name for Pleasant Harbor Drive and asked if that was appropriate. Mr. Rogers said he submitted the form for this request.

Mr. Buckland stated he has not heard from the Fire Department yet.

Mr. King said they would have to table the street name until they heard from the appropriate parties.

Mr. Schulz made a motion to continue to 32-21 Definitive Subdivision to February 28, 2022, to finalize the certificate of approval and street name. The motion was seconded by Mr. Corbitt and approved unanimously via roll call vote. (5-0-1).

4. #33-21 Site Plan Review – Wareham PV LLC – 0 Route 25 – Map 115, Lot 1000 – Ground mounted Solar Energy Generation Facility

Mr. Schulz made a motion to continue #33-21 Site Plan Review, Wareham PV LLC to February 28, 2022, and was seconded by Mr. Corbitt. The motion passed unanimously via roll call vote. (5-0-1).

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

Mr. Sheehan stated they requested a continuance at the last meeting.

Mr. Schulz asked if they would have time at the next meeting on February 28th to discuss by-law changes; article 15 was in question, and solar would-be article 16 and other by-law review changes that they need to discuss to submit warrants.

Mr. Buckland stated article 15 is in good shape for review from the Planning Board at this time.

Mr. Schulz said they had to submit the bylaw requests by that night. Mr. Buckland stated he thinks they should work on Article 15 at this time.

Mr. Schulz made a motion to continue #36-21, Bay Pointe Club to February 28, 2022, and was seconded by Mr. Corbitt. The motion passed unanimously via roll call vote. (5-0-1).

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

Mr. Schulz made a motion to continue #38-21, 69 Great Neck Road, and was seconded by Mr. Corbitt. The motion passed unanimously via roll call vote. (5-0-1)

7. #39-21 Site Plan Review – 59 Main Street – Warren QOBZ, LLC – Map 47, Lot(2) 1124, 1125, 1126 – 6500sf restaurant, 26x60 pavilion, 1500 of commercial/retail space

Bill Madden, from GAF Engineering, was present on behalf of the applicant.

Mr. King stated that his notes reflect on a traffic study or the need.

Mr. Madden stated there was a previous discussion to prepare sometime of a traffic report. He said there wasn't much discussion on the content of what was supposed to be studied. He said they'd like to discuss the true need for the study. Mr. Madden said the project is likely to have an impact on traffic, but also that reflecting on the village district (a walking district), he says there may be one or two that have dedicated parking but there are more, the vast majority do not have designated parking. He said they have spoken to a traffic consultant and the timeframe is a showstopper. He said they'd have to wait til summer for a traffic study. He says would funds be better spent on mitigation versus a traffic study, as of course there may be an impact on traffic in the area. He thought they should perhaps spend the funds on traffic mitigation, a better crosswalk in that area, or traffic control devices.

Mr. Madden stated this is the type of restaurant that will not be a fast-food restaurant. He said it's the higher quality which means it would be about an hour for seating and traffic studies may be different for that type of restaurant. He said there were minor plan changes recommended by Mr. Rowley. He said he has not submitted new plan changes as of yet.

Mr. King expressed that he was adamant about the traffic study because he visits on the weekend and there's a lot of traffic. He says it may be the nature of Wareham and is not sure it can be fixed whatever the outcome is. He said he tends to agree on the value of the study being money well spent. He said the button crosswalk is a better idea. He said mitigation, in his opinion, sounds like a better idea to spend the money.

Mr. Corbitt stated he agreed with him 100%.

Mr. Schulz stated his desire for a traffic study was perhaps poorly expressed. He said that he would like to see a traffic mitigation study. He said he is looking for this project to be successful with a traffic mitigation study. He said a mitigation strategy is what he's looking for.

Mr. Madden said there are structural and non-structural measures. He said they would have a traffic consultant come and talk about what would be beneficial to that area.

Mr. King opened it up for public comment.

Resident, Kim Walsh stated her concern would be about parking spaces in the restaurant. She said there are forty-six parking spaces, and they only have twenty-six spaces, and she hopes that is reviewed.

Selectboard Liaison, Mr. Slavin was present and shared his concerns. He stated the parking issue started with the Marijuana facility that is on Main Street, and that it was first medical and then became retail as well. He suggested a change of zoning by-laws to change the marijuana zoning district. He also discussed other opportunities for parking in that area.

Chairwoman of the Selectboard, Judith Whiteside was present to state her opinion in favor of the project as she stated this is a revitalization for this area. She said the crosswalk is a great idea.

Resident, Mimi Dimauro of the Pine Hurst Beach Community stated she would like to see the project go through. She agreed that most of the traffic is from their community or the marijuana building where they park anywhere, they want.

A summer resident from British Landing stated she was in favor of the project. She said it sounded like a great project.

Jim Munise spoke that he feels the issue is what would the mitigation avenues be. He said the issue is the traffic and how we mitigate that corner.

Mr. King asked if there was any discussion on Mr. Rowley's letter from January 24, 2022, and asked Mr. Rowley if he wanted to share any information. Mr. Rowley said he didn't have the letter in front of him.

The owner of said property, Mr. Danny Warren said the money is in a tax program and COVID has taken a toll on businesses. He expressed how much things have increased because of COVID. He spoke about the marijuana dispensary not being in a great location. He said from a business standpoint he needs to be able to spend the money within fourteen months to do this project or he won't be able to do it.

Mr. Madden asked for a continuance to the next meeting.

Mr. Schulz made a motion to continue #39-21, 59 Main Street to February 28, 2022, and was seconded by Mr. Corbitt. On the question, Mr. Corbitt said he didn't think everything could get done on the 28th of February. Mr. King said that every time he looks at the agenda, they get larger and larger; however, a lot of the cases are continued weekly. On the motion, it passed unanimously. (5-0-1).

Mr. Rowley asked if has permission from the board to discuss this with Mr. Madden before the 28th of February. Mr. King agreed that was a good idea.

VI. PUBLIC COMMENT ON MASTER PLAN: Updates and New Initiatives

VII. WPB LIAISON UPDATES

1. Solar Bylaw Committee (Carl Schulz)

Mr. Schulz gave an update on the solar bylaw committee. He said the target is large solar arrays. He said they reviewed large battery, stand-alone storage systems (which is not an accessory). He said he'd like to propose the Planning Board write a moratorium for the large battery storage system and have the moratorium until May 2023, which gives them enough time to review and write a bylaw for this type of battery storage system. He said there are no applications in the office for this type of battery storage at this time, but there may be one in the works.

Mr. Buckland said he thought it would be something they should consider and discuss at the next meeting. Mr. Buckland said they could get it at the next Town Meeting.

2. Community Preservation Committee (Sam Corbitt)

Mr. Corbitt stated they have been working on things for the next Town Meeting.

3. Capital Planning Committee (Sam Corbitt)

Mr. Corbitt nothing was reported.

4. SRPEDD (Michael King)

Mr. King said he hadn't attended the last three meetings.

Mr. Corbitt said he would like to recognize Mr. Swenson, Chair who is leaving Planning Board. He said he wishes him well.

Mr. Corbitt made a motion to adjourn and was seconded by Mr. Schulz. The motion passed unanimously. (5-0-1)

Approved by Clerk: _____

as noted

Date submitted to Town Clerk: _____

WAREHAM TOWN CLERK
2022 OCT 25 PM5:53