

**WAREHAM PLANNING BOARD
MINUTES
February 27, 2023 – 6:00 p.m.**

- I. **ROLL CALL:** The meeting was presented in the Multi-Service Center and via zoom as a hybrid meeting.

Present: Chairperson, Michael King, Mr. Corbitt, Mr. Baptiste, Ms. Gleason, and Associate member, Sherry Quirk and Mr. Schulz (via Zoom)

Absent: None

Planning Director, Kenneth Buckland was also in attendance.

II. **PRELIMINARY BUSINESS:**

1. **Approval of Meeting Minutes: 2/13/2023:** Ms. Quirk had a few minor corrections and noted a couple of misspelled names. She said she would forward to Ms. Raposa for corrections. The Board decided to wait for the minor corrections to take place and then they would approve at that point.

2. **#1-23 SWEBCO – ANR – 13 Swift’s Beach Road – Map 56, Lot 1000 – A & 1001-A**

There was no one present to speak on behalf of this ANR. Mr. Schulz explained that he thought this was a relocation of land at Damien’s Pantry and that project.

Mr. Schulz made a motion to continue this 13 Swift’s Beach Road ANR to March 27, 2023, with the understanding that someone come to that meeting to discuss this further. Mr. Baptiste seconded the motion, and it was approved with Mr. Corbitt in opposition. (5-0-1).

3. **Decision and endorsement of Plans and Covenant: 19-22 Dos Amigos Realty, LLC - Lots 1010-A3 & 1010-D on Map 74 – Two lot Subdivision**

Mr. King said they were requesting the signed agreement from Eversource. He said they still don’t have that agreement and they have only received a work order email. He said they have residents of Squirrel Island Road that are happy that Eversource is moving forward but there is no agreement as of yet in hand.

Mr. King explained there was a discussion at the last meeting that an agreement is to be in hand before they move forward.

Mr. Baptiste stated they should hold off on moving forward until they have the agreement in hand, as the board has previously requested.

Mr. King asked for a motion that the Eversource document stating they will in fact take possession of the poles and the time frame be sent to the Planning Board prior to the beginning of the project. Mr. Schulz was concerned that a negative motion would halt the entire project and the pole issue. The engineer for Dos Amigos Realty, Brad Bertolo was present and came to the microphone.

Mr. King explained that he would issue an approval with a condition in place that no work, be done before the contract from Eversource is in hand. He said he wants to be clear that Mr. Bertolo understands that nothing be done until Eversource takes control of those poles.

Engineer, Mr. Bertolo stated he understood one hundred percent that the document had to be in hand. He said he stated in the email he sent two weeks ago that was posted in the Planning Department did not include the attached Eversource email with it.

Ms. Quirk stated that the owner did not have the referenced information in front of them two weeks ago when they discussed it. She said they talked about the idea of closing the hearing and making the approval contingent on those documents. She said she remembers getting an email a few days prior to the meeting that said the owner would not move forward on the acquisition until he got approval from the board. She said she found that confusing as if they would just have to approve the project.

Mr. Bertolo said the last thing that has to be done for the acquisition is for payment to be made to Eversource. He said there is no reason for the applicant to pay Eversource until he has an approved project and that is why he said they were open to a condition with the approval.

Mr. King asked Mr. Bertolo what the reluctance was in getting the signed contract from Eversource to the board.

Mr. Bertolo said they have only received emails from Eversource and no paper document is in hand. He said they do not have a physical work order in hand.

Mr. Buckland stated they can condition the approval and that no building permit will be issued until they receive that document.

Mr. Schulz made a motion to approve 19-22 Dos Amigos Two-Lot Subdivision with the condition that appears in the covenant and approval, that no work commences until the Planning Board has a copy of the paperwork from Eversource that states they now own the poles. There was no second to the motion.

Ms. Gleason explained that there is enough history with this pole issue that there is an opportunity to correct that.

Mr. Schulz withdrew his motion.

MOTION: Ms. Gleason made a Motion to postpone the vote on accepting the new subdivision, 19-22 Dos Amigos to March 13, 2023, at which point, the Planning Board is requesting a copy of an actual work order showing all the details of the Eversource acquisition of those poles (timelines, estimation of completion and a signature of authority that this has happened). The motion was seconded by Ms. Quirk.

Voting: Mr. Schulz said No. Ms. Quirk, said Yes. Mr. Baptiste, said No. Mr. Corbitt, said No. Ms. Gleason said, yes. Mr. King said, yes. **VOTE: (3-3-0)**

Mr. Buckland asked if Ms. Quirk was a voting member and she stated she was not. Mr. Buckland stated her vote did not count.

Mr. King asked for the motion to vote on the project.

MOTION: Mr. Schulz made a motion to vote 19-22 Dos Amigos Realty Two-Lot Subdivision as presented and was seconded by Ms. Gleason. In the vote, Mr. Schulz voted yes; Mr. Baptiste voted no; Ms. Gleason voted no; Mr. Corbitt voted no; and Mr. King voted no. **VOTE: 1-4-0. Denied.**

4. **20 Borrego Solar Systems, Inc. – 27 Charge Pond Road – New Leaf [Borrego] Extension of time SPR/Special Permit (Requested to Continue via email) continued until March 13, 2023**
5. **9-20 Borrego Solar Systems, Inc. - 150 Tihonet Road – New Leaf [Borrego] Extension of time SPR/Special Permit (Requested to Continue via email)**
6. **6. 18-22 Kenneth & Valerie Faubel - ANR - Fifteenth Street – to discuss the endorsement of the Land Court Plan and relief of Filing fee previously paid.**

Engineer, Mr. Bob Rogers of G.A.F. Engineering was present. He reviewed this ANR that was endorsed by the Planning Board on August 8, 2023. He explained they also went to Land Court and they requested a couple of changes on the plans to make it perfect. He stated rather than submit a new plan file with the clerk and pay an additional fee, he was looking for the board to approve the changes requested by land court.

Mr. Baptiste brought to Mr. Rogers' attention that the plans stated the wrong street, listed as West Street on the plans, but he believes that isn't correct.

MOTION: Mr. Corbitt made a Motion to approve the revised plan per Land Court and seconded by Ms. Gleason. The motion passed unanimously. (5-0-0)

III. PUBLIC HEARINGS: Proposed Zoning By-Law Amendments for Spring Town Meeting 2023

Mr. Corbitt made a motion to open the Public Hearings for the Proposed zoning by-law amendments which was seconded by Mr. Baptiste. The motion passed unanimously. (5-0-0)

i. New Article 4A - WV-1R – Downtown Reinvestment

Dan Butler, Chairman of the Redevelopment Authority was present. He said they've been working hard for two years now to work on an Urban Development Plan for Wareham Village. He said this is very crucial and vital to issue an Urban Development Plan for the downtown area and is vital to the

community. He thinks it'll help to bring new development to the area and really improve Wareham in the next ten to twenty years.

Mr. Buckland gave a presentation on the Downtown Reinvestment Plan. He said this is a presentation based on years of development, including the Master Plan. He explained the Urban Redevelopment Plan and the impacts of the redevelopment plan for the downtown area. He explained the downtown area is developed under the state's Chapter, plans of action under Zoning. He gave a brief overview of what area they are looking at and what could be done in that area. He reviewed Merchant's Way, that is Town's property. He said it would look very different than it does today with more to do. He explained the vision of two-three story buildings with parking underneath, first level being your retail stores and apartment living on the second floor.

Mr. Corbitt asked if the Fire Department was okay with the height of the buildings, which Mr. Buckland said they were okay with it.

Ms. Quirk asked about safeguards for rising river levels. She said she thought it would be quicker and more radical than Mr. Buckland perhaps explained.

Discussion on flood resilient buildings in that area of Main Street and Merchant's Way occurred and reviewing the bylaws and listening to the Townspeople on their thoughts.

Ms. Quirk asked how much discretion the Planning Board will have regarding developments.

Mr. Buckland said that the Planning Board would have a lot of discretion and would be able to guide the developments to what they are looking for regarding performance guidelines and what the Board is expecting.

Resident, Mr. Peter Teitelbaum was present. He said he has been engaged to work on the by-law by the Redevelopment Authority Committee and help with the legal aspect to get it presented at Town Meeting. He went on to discuss the Town and FEMA sea levels in the area. He said the bylaw would be applied to anyone who wanted to develop in the Town of Wareham. He reiterated the vision that Mr. Buckland put forth and focused on increasing diversity. He explained Merchant Way is not a Public Way. He said they need to go up in height to add garages underneath. He said this is the vision that would attract developers.

Mr. Moniz of Cranberry Highway spoke as well. He asked a few questions, 'commercial uses' regarding Special Permit Required in certain columns, where the yes/no are listed; as well as questions in the table. He said the consistency needed to be written so people understood it.

Ms. Julia Moran was present and said she was very excited about the plan for downtown. She said she looks forward to a vibrance and pedestrian-friendly area. She thanked Mr. Buckland for the great vision. She is concerned a bit that the bylaw may not be focused enough. She offered her opinion that the bylaw needs to be tightened up.

Annie Hayes was present and stated that one poorly designed building can really screw up a community. She spoke about the area around Main Street and near the hospital, and the six-foot-high buildings may be intimidating. She said that the downtown area should be more about sun, trees, and space. She

asked about the parking in that area and what it meant by underneath buildings. She was concerned about where people would park.

Ms. Quirk asked about this article being delayed and if it was going to be acted on.

Mr. Buckland said they could do a Special Town Meeting article and put in a placeholder for people to review on the annual Town Meeting; tighten it up and develop it over time and place it on a future Special Town Meeting.

Ms. Quirk asked about the rules and regulations getting into the by-law.

Mr. Buckland said it would be up to the board, but they could add that to the by-law. Ms. Gleason asked if the rules and regulations can be referenced in the by-law; Mr. Buckland said they could.

Mr. Teitelbaum stated they could do a Place holder article for the Town Meeting. He said the Board of Selectman would add the lingo, "to see if the town would amend, as shown on the filing of the office of the Town Clerk, as it would then be acting, breathing document".

George Barrett of Island Terrace said he reviewed the article and was under the impression that Main Street was to be titled by 2030. He said he found it rarely ridiculous. He said he thought the elevation of 65-foot would be the major hurdle. He said he felt that Merchant Way could be graded up to Main Street; he was concerned about the water. He said he'd be cautious of changing a by-law at Town Meeting. He said he would like to see mixed-use restored in all of the Land Village area.

Mr. Butler said he wanted to react to some of the comments he heard tonight. He too was not a fan of surprising voters at Town Meeting. He said he would like to present these articles to the Special Town Meeting vs. the Annual, as it would give him more opportunity to digest what he heard tonight. He said he would like to see language to the guidelines of the standards in the new by-law. Mr. Butler said they absolutely need to go higher if they want to revitalize the downtown area if they want to successfully attract developers to that area. He said it was unfortunate with Mr. Buckland's presentation issues that he wasn't able to show the visuals of other towns that went higher for the visual effect part of the presentation.

Mr. Corbitt made a Motion to continue the hearing for Article 4A to March 13, 2023 and was seconded by Mr. Baptiste. The motion passed unanimously. (6-0-0).

Mr. Buckland was able to get up a few images and shared them with the Board and the Public.

ii. Articles 14 & 15 – Land Use Permitting

Ms. Corbitt made a motion to open the public hearing for Article 14 and Article 15 which was seconded by Ms. Gleason. The motion passed unanimously. (6-0-0)

Mr. Buckland reviewed the articles. He said Article 14 deals with Variances and Special Permits for land use as a permitted guide. He said Article 15, was a plan review that puts Article 14 and Article 15 together for the Land Use Board, ZBA, Planning or Selectboard regarding land use permits, special permits, variances and site plan reviews. He said it includes the criteria for permits and comes from existing by-laws. He said it modifies the site plan review by taking out procedural elements and putting

in the rules and regulations of the Planning Board, Board of Appeals or whoever reviews the site plan. He said it also clarifies the site plan review and what triggers the site plan review per the parking spaces.

Mr. King asked if there was a reason not to move this to Spring Town Meeting.

Mr. Buckland said that there were some text and policy revisions that needed to take place.

Ms. Quirk said she and Mr. Schulz had been working on this article with Ms. Moran about rules and regs that should be in the by-laws. She said that Mr. Buckland had also been doing a draft and there were two different drafts. She said there is a number of policy issues that needs to be addressed. She said it needs a lot of care and how it's going to be used in the future. She said that she has seen band-aids being put on in the past and things that don't make sense being put forth. She said they need to take the time to make an improved document and the Planning Board needs to weigh in to make a successful document.

Mr. Schulz said that Ms. Quirk's points are great and thanked Ken who also did great to put something forward. He said they've heard about their solar bylaw that needs progress to clean it up; he said moving things into rules and regs allows them to move more rapidly. He agrees that context needs to be reviewed; article 12 changes need to be made; use table needs to be consistent. He said that he thinks more work is required; he thinks commitments need to be made to work past the Town Meeting for by-laws to be reviewed and revised for improvements.

Mr. King said if they move the article forward, he would wonder if there is anything in there that is detrimental to the work that has been done.

Mr. Buckland reviewed approximately ten questions that he had when he went through the draft. Mr. Buckland said he was looking for feedback and that Ms. Quirk and Mr. Schulz already knew of these questions.

Mr. King wondered why they would then move the articles forward if there were so many questions that he had just by reviewing the draft. Mr. King said that he would prefer to continue to work on the questions and the document to possibly put it forth at the Fall Town Meeting.

Mr. Corbitt made a motion to not bring Article 14 and Article 15 to Spring Town Meeting to review and re-work the document for a possible Fall Town Meeting. The motion was seconded by Ms. Quirk and approved unanimously. (6-0-0).

Mr. Corbitt made a motion to close the public hearing for Article 14 and Article 15. The motion was seconded by Ms. Quirk and approved unanimously. (6-0-0).

iii. Article 6 - Dimensions

Mr. Corbitt made a motion to open the public hearing for Article 6 and was seconded by Ms. Quirk. The motion passed unanimously. (6-0-0).

Mr. Buckland said this was to be presented in the past town meeting but there was a snafu on the publication. He said this was to correct the numbers.

Mr. Corbitt made a motion to approve Article 6 to move forth to the Annual Town Meeting which was seconded by Mr. Baptiste. The motion passed unanimously.

Mr. Corbitt made a motion to close the public hearing which was seconded by Mr. Baptiste. The motion passed unanimously. (6-0-0).

iv. Medical MJ in Commercial Zoning Districts

Mr. Corbitt made a motion to open the public hearing for Medical Marijuana in Commercial zoning Districts which was seconded by Mr. Baptiste. The motion passed unanimously.

Mr. Buckland stated this was brought forth because of the Medical MJ business on Main Street. He said they were considering moving to another location, however, it is only allowed in the Industrial District. He said that it is currently in a unique location and if they were going to allow them to move that they need to make sure they have the license to move elsewhere in Town. He said it's a unique location currently and if they are going to allow them to move, we need to make sure they have the

He said they could always open it up to other medical marijuana units in town as well and not just to this business on Main St.

Mr. King asked how many MJ businesses they really want in town.

Mr. King stated he was of the opinion not to move this forward, whereas they can keep their arms around it in the institutional district.

Resident, Jim Moniz, of Cranberry Highway via Zoom commented that the Board should keep an open mind to move the limit of Marijuana dispensaries to three and not just limit it to the Retail and/or Commercial Districts. He said that the Town does receive 3% sales tax for Recreational, but he was unsure about Medical.

Mr. Corbitt made a motion to not recommend the Planning Board move the Medical MJ Commercial Zoning District By-Law to Town Meeting which was seconded by Mr. Baptiste. The motion passed unanimously. (6-0-0).

Mr. Corbitt made a motion to close the public hearing which was seconded by Mr. Baptiste. The motion passed unanimously. (6-0-0).

IV. CONTINUED PUBLIC HEARINGS:

1. 33-21 Wareham PVI, LLC – 0 Route 25-Solar Energy Generation Facility (continued to March 27, 2023)

Sam Corbitt made a motion to continue 33-21 Wareham PVI, LLC, to March 27, 2023 and was seconded by Jane Gleason. The Motion passed unanimously. (6-0-0).

In other business, Ms. Quirk asked the board to approve a weekly meeting with Mr. Bowen to discuss emerging and ongoing legal issues.

Mr. Corbitt made a motion to approve a weekly meeting with Mr. Bowen for the discussion of emerging and ongoing legal issues. The motion was seconded by Ms. Quirk and passed unanimously. (6-0-0).

Ms. Quirk asked for volunteers for the Alternative Energy Committee.

Mr. Corbitt asked if they had heard anything about Fearing Hill. Mr. Buckland stated they were waiting for the court case to process. Mr. King asked Mr. Buckland to reach out to them and ask them to put forth a continuance.

Mr. Corbitt made a motion to adjourn which was seconded by Mr. Baptiste. The motion passed unanimously. (6-0-0).

Approved by Planning Board Clerk: _____



WAREHAM TOWN CLERK
2023 MAR 28 PM12:11

Date submitted to Town Clerk: _____