

**WAREHAM PLANNING BOARD**  
**MINUTES OF THE MEETING**  
**Multi-Service Center**  
**54 Marion Road, Wareham, MA 02571**

Monday, May 9, 2022

The following record pertains a meeting held by the Wareham Planning Board at 6:00PM local time. A video recording of this meeting is available for viewing. The record for the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

**I. CALL TO ORDER**

Chair King opened the meeting and proceeded to call the roll.

PRESENT MEMBERS: Michael King, Chair  
Carl Schulz  
Jane Gleason  
Sherry Quirk, Associate Member  
Sam Corbitt

ALSO PRESENT: Aaron Shaheen, Assistant Town Planner  
Charles Rowley, Consulting Engineer

ABSENT: Michael Baptiste

**II. PRELIMINARY BUSINESS**

**1. Approval of Minutes**

**MOTION** – Move to approve the minutes of September 27, 2021, as submitted.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			-
C. Schulz	X		AYE
S. Corbitt		X	AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.  
Seconded and passed without dissent. 3-0-0

**MOTION** – Move to approve the minutes of October 18, 2021, as submitted.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			-
C. Schulz	X		AYE
S. Corbitt		X	AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed without dissent. 3-0-0

**MOTION** – Move to approve the minutes of December 13, 2021, as submitted.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			-
C. Schulz	X		AYE
S. Corbitt		X	AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed without dissent. 3-0-0

**MOTION** – Move to approve the minutes of January 24, 2022, as submitted.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			-
C. Schulz	X		AYE
S. Corbitt		X	AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed without dissent. 3-0-0

### III. PUBLIC HEARINGS

#### 1. Discussion: Final EIR No.13940, Implication for Economic Development Policies

**MOTION** – Move to defer discussion on Final IER No. 13940 until K. Buckland is present.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			AYE
C. Schulz	X		AYE

S. Corbitt	X	AYE
S. Quirk		AYE
M. Baptiste		Absent

Seconded and passed without dissent. 5-0-0

S. Quirk noted that in preparation for further discussion on this document, it would be helpful to understand what jurisdictional role the Planning Board may have.

**2. For a Vote or Determination: Wareham Crossing – Target – Request Modification to Special Permit**

Casey Lieberman, Kimley-Horn

The representative for Target, Wareham Crossing noted that Target exceeds the minimum requirement for parking spaces. This information was provided in the *Revised Construction Drawings* which were sent by C. Lieberman to K. Buckland. C. Schulz stated that he had reviewed the considerations for major and minor modifications for Wareham Crossing's site permit and found the present modifications to be minor. He noted the applicant had responded to the Planning Board's request that they adjust the positioning of the pickup zone.

**MOTION** – Move to consider request from Target for the modification of the Special Permit as a minor modification.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason	X		AYE
C. Schulz		X	AYE
S. Corbitt			AYE
S. Quirk			AYE
M. Baptiste			Absent

Seconded and passed without dissent. 5-0-0

**MOTION** – Move to approve modification of the Special Permit as a minor modification.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			AYE
C. Schulz		X	AYE
S. Corbitt			AYE
S. Quirk	X		AYE
M. Baptiste			Absent

Seconded and passed without dissent. 5-0-0

**3. For a Vote or Determination: Master Millworks – Request Modification to Special Permit. Master Millworks, Inc. 55 Charlotte Furnace Road**

Bill Madden, Representative for Master Millworks

The modifications included: (1) landscaping changes to front and side of property, and (2) Reduction from five to four inches of pavement mix. Other issues include the elimination of filter fabric on a drainage trench. (4) Changes in the plan to ensure consistency in materials used around a drainage basin. A modification to the Special Permit was not made in regard to reducing the pavement mix from five to four inches.

**MOTION** – Move to allow B. Madden to review the changes prior to Planning Board’s decision on the issue.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			
J. Gleason			
C. Schulz	X		
S. Corbitt			
S. Quirk			
M. Baptiste			Absent

No vote was taken.

B. Madden then presented a review of the changes made by the applicant.<sup>1</sup>

C. Schulz questioned B. Madden on several issues. B. Madden stated that in his opinion, these changes do not present a safety issue. Additionally, there were no changes to the drainage or runoff characteristics. The grading and depth of the underlayment from various core samples is sufficient. A water table issue is not expected.

C. Rowley expressed concern with the quality of the work completed, citing his experience at the site. The compaction in several places on the site was not sufficient. The contractor on-site expressed to C. Rowley that a 10-ton roller could not be used.

M. King expressed concern regarding the changes made by the applicant that were not approved by the Planning Board and that C. Rowley had not been provided core samples. He suggested a one-year review and to keep the performance bond intact if one exists and holding off on a vote until C. Rowley examined the samples. J. Gleason and S. Quirk agreed.

C. Rowley did not believe the changes to be major, but each change needed to be drafted into a modification document and sent to M. King to be approved and signed. He recommended that the Planning Board not make any determination that the Planning Board approves the pavement as it was not constructed in a proper manner. C. Rowley did not believe the changes posed a safety issue but noted that municipal maintenance still requires 5 inches of asphalt to the property line, and the Planning Board needed to determine the base and mix is there.

<sup>1</sup> See: Revised Site Development Plan, 5-5-22.

[https://www.wareham.ma.us/sites/g/files/vyhlf5146/f/pages/revised\\_5-5-22\\_-\\_site\\_development\\_plan\\_-\\_7-8-2020.pdf](https://www.wareham.ma.us/sites/g/files/vyhlf5146/f/pages/revised_5-5-22_-_site_development_plan_-_7-8-2020.pdf)

Discussion ensued regarding the ability for emergency vehicles to safely travel on the lot. B. Madden clarified that subdivision control rules and regulations allows for the paving at Master Millwork to meet the load carrying capacity on a subdivision roadway. B. Madden suggested that in further projects that the Planning Board consider including a third-party lab be involved in providing core sample testing.

**MOTION** – Move to approve the plans as submitted and reviewed as a minor modification to the Site Plan Special Permit for Master Millworks subject to (1) The work has been completed in accordance with the approved plan; (2) that the applicant provides the core sample to the town consulting engineer for review; and (3) that no extended certificate of occupancy is granted until these conditions of are met.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			AYE
C. Schulz	X		AYE
S. Corbitt		X	AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed without dissent. 4-0-0

**4. For a Vote or Determination: 1 Johnson Street. Project No. 11-22. – Request Modification to Special Permit**

Brad Rotolo, Representative, JC Engineering.

The applicant presented a request for minor modification. The modification pertains to changing a property line located between two lots. C. Rowley found no issue with the Planning Board's endorsement of the plan. S. Corbitt expressed concern that the request to review the modification came through at the last minute.

**MOTION** – Move to approve the ANR as presented.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			AYE
C. Schulz			AYE
S. Corbitt	X		AYE
S. Quirk		X	-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed without dissent. 4-0-0

**IV. CONTINUED PUBLIC HEARINGS****1. For Hearing and Possible Vote: #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**

Karen Beck, Principe Engineering  
Timothy Fay, Stonestreet  
Chris Reynolds, Stonestreet

The representatives were asked to review the changes that were made to the Phase 2 Plan. K. Beck began with reading verbatim communications beginning May 3, 2022, between C. Rowley and Bay Pointe representatives.

To ensure there were clear zones in front of each handicap ramps, the applicant removed islands between some parking spaces. Every building now has a parking ramp. The changes were shown on the presented Site Plan document.<sup>2</sup> K. Beck presented the Planning Board with a document representing the applicant's efforts taken to remove a segment of the access drive from the right-of-way. This resulted in drafting plans to remove the access drive and parking spaces in front of Building B in order to accommodate fire engines. This resulted in an access drive and parking exclusively in front of Building A. This was not shown to and approved by the Fire Department. K. Beck stated that it was the applicant's right to place the access drive, landscaping, parking, etc. in a private right-of-way. The applicants therefore believe that having the access drive, landscaping, parking, etc. as is.

S. Quirk stated her concern over the dispute between the owners of the condos on the ownership of the pump station. M. King agreed that there was confusion over which party held ownership and responsibility for the pumpstation. T. Fay responded that the Bay Pointe Club has a written agreement with Bay Pointe Village that states they own the real estate, the buildings, and the pumps. The document is from 2014 was provided to the Planning Board.<sup>3</sup> C. Schulz expressed that the dispute was possibly beyond the purview of the Planning Board, and involvement of the Town Council may be necessary.

C. Rowley clarified his comments and concerns relating to the pump station. Changes made to the pump station did not address his concerns over the build-up of sludge. C. Reynolds provided a brief response.

Per C. Rowley, there are no distinctions between major or minor modifications for the subdivision. Bay Pointe has installed a pumpstation layout or location and installed a force main into the sewer system, which is in Starboard Drive. The layout has not changed, and in C. Rowley's opinion, this is does not create a new action, but is reviewed as part of the current plan.

---

<sup>2</sup> Presumed to be "Modification to Special Use Permit & Site Plan Approval & Definitive Subdivision Plan Approval." [https://www.wareham.ma.us/sites/g/files/vyhlf5146/f/pages/1baypointe\\_sheet\\_2-24-21\\_combined.pdf](https://www.wareham.ma.us/sites/g/files/vyhlf5146/f/pages/1baypointe_sheet_2-24-21_combined.pdf)

<sup>3</sup> Unknown.

S. Quirk recommended that Town Council be involved to give an opinion on the Easement and Sewer Pump Station Agreement<sup>4</sup>, given disputes over the question of ownership and facts surrounding the agreement and its performance. T. Fay denied that there were any disputes pertaining to the agreement. C. Schulz questioned if the applicants had reviewed a statement submitted by G. Salem. The representatives had not.

~

George Salem, President, Bay Pointe Village

G. Salem presented concerns over four provisions presented to Bay Pointe Club. M. King expressed that facilitating an agreement between the two parties was beyond the purview of the Planning Board.

Annie Hayes, Farmer's Lane Resident

Expressed concerns on an article written about the sewer moratorium, and how that would impact the presented Site Plan. Per the Planning Board, the article may not have the correct facts.

[Name unknown], Bay Pointe Drive Resident

The citizen questioned if an updated Punch List had been submitted by the applicants yet. It had not. The citizen further expressed concerns over the responsibilities of the residents of Bay Pointe Village. He asked that some type of legally binding protection for residents be made. Per T. Fay, this would require the Bay Pointe Club and Bay Pointe Village Assoc. to agree to amend the 2014 agreement.

~

M. King expressed the seriousness of the Planning Board's considerations regarding the discussed matter.

Bay Pointe Club, as T. Fay reiterated, has an agreement with the Bay Pointe Village Assoc. that includes the first phase of development—the first 28 units. This document will stand alone at present, in the condition that it is in, and those expenses will continued to be shared in accordance with the 2014 document between the Bay Pointe Club and the Bay Pointe Village Assoc. The 56 units include Phases 2 and 3, and the 52 units that were before the Planning Board during the present meeting, would be sharing the cost of the new pump station. The original agreement with Bay Pointe Club and the Bay Pointe Village Assoc will not be incurring any expense for the operation and maintenance of the second pump station.

T. Fay requested that the Planning Board read a letter from David Paschett into the record. The communication from May 9, 2022 stated that, "The proposed Phase 4 project of the Bay Pointe development does not fall within the jurisdictional areas subject to protection under the Mass Wetlands Protection Act or the Wareham Wetland Protected Bylaw. Therefore, no permits are required from the conservation commission for this project."<sup>5</sup>

---

<sup>4</sup> Presumed to be the 2014 document referred to by T. Faye between Bay Pointe Club and Assoc.

<sup>5</sup> Memo to the Planning Board from David Paschett, Conservation Admin, May 9, 2022. Re: BP Phase 4.

M. King clarified that the agreement changes in no way if the end of line at Onset Ave. or the equilibrium tank. The cost sharing ends before the equilibrium tank. The responsibility for any repairs, main, upgrades end at the point where their fore main meets the equilibrium tank. The shared cost goes from the pump station to the point where the property meets Onset Ave. The new plans interrupt the pipe that goes from Onset Ave. and is diverted to the equilibrium tank.

**MOTION** – Move to close the modification to Site Plan Special Use Permit approval for Bay Pointe Club Mixed-Use Development, Phase 4.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			
J. Gleason			
C. Schulz	X		
S. Corbitt			
S. Quirk			
M. Baptiste			Absent

Withdrawn.

J. Gleason noted that she had not seen a document pertaining to the dimensions of garages under the relevant Phase 4 building. Additionally, a Punch List was supposed to have been put forth by the Stonestreet team, which would include open items for the residents and construction. The Planning Board established all documents should be reviewed and on the record before the matter could be concluded. Consideration was given to the absence of Planning Board member, M. Baptiste.

**MOTION** – Move to continue the public hearing until May 23, 2022.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason		X	AYE
C. Schulz	X		AYE
S. Corbitt			NAY
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed with dissent. 3-1-0

**MOTION** – Move to formally request through the planning office that the Town Attorney provide guidance confirming that the Planning Board has a role or has no role in the Sewer Agreement by May 23, 2022.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason		X	AYE
C. Schulz	X		AYE
S. Corbitt			NAY



S. Quirk	-
M. Baptiste	Absent

S. Quirk was not eligible to vote.  
Seconded and passed with dissent. 3-1-0

**2. For Hearing and Possible Vote: #2-22 Site Plan Review – 3 Kendrick Road – 3 Kendrick Road, LLC., Map 108, Lot 1006-C – Crumpet Manufacturing Facility**

Bill Madden, Representative

B. Madden provided a summary of responses to C. Rowley's technical review of the project. Small adjustments were made to landscaping and drainage in response. A short discussion ensued regarding lighting. C. Schulz asked that it be read into the record that although he missed the March 14, 2022 meeting, he submitted a certification to the Town Clerk and Planning Office that he viewed the video record, and is now qualified him to vote on this issue.

C. Schulz questioned if there were opportunities for solar panels to be placed on the roof of the project, to which that applicant confirmed minimal space may be usable. B. Madden further noted that installing a solar canopy would be a significant additional cost. J. Gleason recommended in further projects applications for certain grants be considered. S. Quirk questioned if any third-party vendors would be interested in leasing and developing solar on the plot.

No comments from the public were made.

A standard statement was agreed to be written by the C. Rowley to submit to the Planning Board on the submission of compaction tests.

**MOTION** – Move to close the hearing on 2-22 Site Plan Review, 3 Kendrick Road.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			AYE
C. Schulz	X		AYE
S. Corbitt		X	AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.  
Seconded and passed without dissent. 4-0-0

C. Schulz requested that the conditions be read into the record.

**MOTION** – Move to allow the granting of Site Plan approval is based on the conditions and considerations listed in the Town of Wareham's Decision Case No. 22 as presented by the Planning Office, with the addition of verifying if the driveway lighting is sufficient at a later date.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason		X	AYE
C. Schulz			AYE
S. Corbitt	X		AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed without dissent. 4-0-0

**3. Vote on Continuance to 5/23/2022: #3-22 Site Plan Review – 5 Doty Street – Jason St. Martin – Map 103, Lot 1027 – Parking Lot**

The applicant was absent.

**MOTION** – Move to continue the public hearing on 3-22 Site Plan Review 5 Doty Street.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason			AYE
C. Schulz	X		AYE
S. Corbitt		X	AYE
S. Quirk			-
M. Baptiste			Absent

S. Quirk was not eligible to vote.

Seconded and passed without dissent. 4-0-0

**V. AJOURNMENT**

**MOTION** – Move to adjourn.

MEMBER	MOTION	SECOND	VOTE
M. King (Chair)			AYE
J. Gleason		X	AYE
C. Schulz			AYE
S. Corbitt	X		AYE
S. Quirk			AYE
M. Baptiste			Absent

Seconded and passed without dissent. 5-0-0

The meeting was adjourned at approximately 8:43PM local time.

Approved by Planning Board Clerk: \_\_\_\_\_



Date submitted to Town Clerk: \_\_\_\_\_

WAREHAM TOWN CLERK  
2023 MAR 28 PM 12:11