

WAREHAM PLANNING BOARD
MINUTES OF THE MEETING
Multi-Service Center
54 Marion Road, Wareham, MA 02571
Monday, June 12, 2023

5-1-0

The following record pertains to 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
Mike Baptiste
Sherry Quirk, Associate Member
Sam Corbitt

ALSO PRESENT: Kenneth Buckland, Director of Planning and Community
Development

ABSENT: -

II. PRELIMINARY BUSINESS

1. Approval of Minutes – 5/22/2023

**2. Discussion and Recommendation to the Zoning Board of Appeals Re: petition# 21-23
Angela McKeown – SPR**

***DUE TO TECHINCAL ISSUES, THE VIDEO RECORDING OF THE JUNE 12, 2023,
MEETING BEGINS PARTIALLY THROUGH DISCUSSION OF THIS AGENDA
ITEM.***

During the meeting, the members of the Planning Board discussed petition #21-23, which involved the construction of five new duplex structures with associated parking, grading, and utilities at 386 Main Street.¹ C. Schulz raised concerns regarding egress, while M. King and J. Gleason pointed out the absence of visitor parking and sidewalks. M. King mentioned the lack of a letter in the Zoning Board of Appeals' file indicating approval from the Fire Department regarding access. Furthermore, there were concerns about the absence of visitor parking, egress

¹ See: #21-23, Project Folder.

onto Main Street, sidewalks, and handicapped parking. C. Schulz highlighted the lack of review by the Town's Consulting Engineer, and M. Baptiste noted that the application contradicted the Town's Master Plan.

MOTION – Move to recommend the Planning Board prepare a letter to the Zoning Board of Appeals enumerating the concerns discussed in the evening's meeting, and, as part of the letter, recommend that the Site Plan and Special Permit be denied.

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

Seconded and passed without dissent. 6-0-0

3. Discussion on Redraft of Zoning Bylaws Articles 14 and 15

During the Planning Board meeting, several points were discussed regarding the restructuring and improvement of Article 15, "Site Plan Review," and the overall Rules and Regulations.² C. Schulz highlighted that three documents were sent to the board: an outline of Article 15, an outline of land use Rules and Regulations, and a set of definitions and references for consideration.³

The objectives presented by C. Schulz and S. Quirk included clarifying the distinction between site use plans and Special Permits, enhancing readability, maintaining all relevant rules and processes, separating procedural items into Rules and Regulations while keeping regulatory articles in the By-Laws.

The proposed restructuring of Article 15 involved the addition of an introduction and administrative section, incorporating definitions and acronyms, and explaining the powers and limitations of the two land use boards. The procedure section outlined the determination of land use permits, the actors involved, and the steps within the process. Design review was suggested to be included within the land use permitting section to address previous concerns.

J. Gleason emphasized that the design guidelines should be presented as a tool for applicants, providing them with guidance.

The need to address Ancient Ways, Heritage Sites, and environmental protections from the beginning of a project was also discussed, ensuring that the proposed language would enable the prompt handling of such matters.

² See: [Proposed Articles: Drafts & Planning Board Revisions](#). [Wareham.ma.us](#).

³ Wareham, MA, [Zoning By-Laws](#). (2022, April 12).

It was noted that all information in the Rules and Regulations and Article 15 is based on the foundation set forth in Article 3, "Use Regulations".

S. Quirk acknowledged the existing redundancy in the zoning By-Law and emphasized the importance of reviewing drafts to create clear and organized By-Laws and Rules and Regulations.

C. Schulz explained that by separating Site Plan review and Special Permit processes, Site Plan review can now be applied to as-of-right uses. For instance, solar installations over parking lots, which were previously considered as-of-right uses, can now be subjected to Site Plan review at the discretion of the Planning Board.

The distinction between Special Permits, which are regulated by Massachusetts general law, and Site Plan review, managed by the towns, was highlighted. Current issues that involve the Planning Board include property sizes, solar power installations, and parking spaces.

The meeting also addressed the duration of permits, proposing an increase to three years, as well as the inclusion of performance guarantees. The codification of violations in zoning enforcement and the addition of a clause on site preparation were discussed. It was noted that certain conditions must be met before site preparation can commence, and the granting of a certificate of occupancy will depend on confirmation by inspections.

During the discussion at the Planning Board meeting, the Land Use Rules and Regulations documents were addressed. These documents were intended to establish the authority of the boards, provide definitions, and outline the history of modifications. Specific sections were dedicated to Special Permits, including the application procedure, review criteria, land use plan requirements, and public hearing guidelines. Similarly, the section on Site Plan review followed a similar outline. J. Gleason acknowledged the benefits of having a similar structure for both processes, as it facilitates easier comparison.

C. Schulz mentioned that a placeholder had been created for Approval Not Required plans and subdivisions. Currently, these issues are addressed in a separate set of Rules and Regulations, but there was a need to incorporate them into a single, comprehensive land use document or present them in a clear and organized manner.

In terms of defining terms used within the documents, J. Gleason proposed the implementation of a consistent system. S. Quirk provided input on this matter, stating that the town's existing By-Laws had definitions article by article, which made sense within that context.

4. ANR at Bay Pointe, frontage on Onset Ave

William Rosa, Attorney for Applicant

There were no objections or concerns regarding the applicants request to withdraw the application.

5. ANR at Bay Pointe, frontage on Bay Pointe Dr.

William Rosa, Attorney for Applicant

The applicant supplied to K. Buckland an additional request for a minor modification for the Site Plan review, and Special Permit which was granted.⁴

The minor modification being requested pertained to the division of the CEDA parcel, as shown on the plan titled "Approval Not Required Plan Assessors Plat 9 Lots 1004-B and 1004A-1B Onset Avenue Cahoon Street Wareham, Massachusetts," into two separate parcels. Parcel 1 would encompass the commercial area, spanning 2.1 acres, while Plat 9, Lot 1004-B would consist of the residential area, covering an area of 5.396 acres.⁵

During the Planning Board meeting, K. Buckland highlighted that the subdivision requires a legitimate access way, and there is no specific requirement for frontage in the district, making the additional frontage acceptable.

P. Mantos expressed that he had not had sufficient time to review the plans, as he had received them that morning. He raised concerns about the conditions attached to the application, specifically regarding the prohibition of further subdivision into buildable lots, which could potentially pose an issue. W. Rosa clarified that the proposed modification would not create any new buildable lots. M. King further explained that by segregating the parcel, it would be separated from the Phase IV lot and incorporated into the golf course without altering the land within Phase IV.⁶

P. Mantos stated that he had no additional concerns but expressed uncertainty regarding the potential impact on density. J. Gleason inquired about the purpose of the proposed modification in relation to management. W. Rosa clarified that the condominiums would be owned by residents. Additionally, it was noted that Bay Pointe did not initially own the land when the project began; it was owned by the Wareham Redevelopment Authority as per the Land Disposition Agreement. Payment would be made following project approval. If Bay Pointe had owned the land from the start, approval would have been granted at the beginning, resulting in the same outcome as proposed by the minor modification.

MOTION – Move to approve the ANR at Bay Pointe Club, LLC. with frontage as documented on Plan Set, 5-22-23.

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

⁴ Letter to the Planning Board. (2023, June 12).

⁵ Bay Pointe Club, LLC., ANR Application. (2023, March 14).

⁶ See: Bay Pointe Revised Plans Phase IV, (2022, May 5); and Site Plan and Special Permit Application Phase IV, (2021, October 1).

Seconded and passed without dissent. 6-0-0

MOTION – Move to approve the modification to the Site Plan Special Permit as a minor modification.

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

Seconded and passed without dissent. 6-0-0

C. Schulz recommended involving the consultant engineer more closely in the project to enhance their familiarity with it. M. King supported this suggestion and raised concerns about obtaining a final inspection report for Phase I, noting inconsistencies in the descriptions of completeness. He requested that the Planning Board be provided with a final inspection report before the next meeting.

C. Schulz also mentioned that, as per K. Buckland's request, he had been collaborating with T. Faye, his engineer, and the town's engineer to address several matters. Firstly, they aimed to identify any outstanding tasks required to close out Phase I and confirm if any incomplete items from Phase I were completed in Phases II and III. Secondly, they intended to expedite the schedule for Phase II. Lastly, they aimed to establish a form of surety for Phase III similar to the other phases. C. Schulz expressed his agreement to assist in this endeavor.

M. King added that T. Faye had been granted permission to construct a temporary road for ongoing work. However, the Building Commissioner had received complaints from residents regarding the continued use of the road, which is a condition of project approval that needs to be addressed and ceased.

6. Discussion and Possible Vote on Replacement Bonds for Solar Decommissioning at:

- a. 299 Farm to Market Road⁷**
- b. 77 Farm to Market Road⁸**
- c. 71 Charlotte Furnace Road⁹**
- d. 160 Tihonet Road¹⁰**

⁷ See: 299 Farm to Market Road, Request for Minor Modification. (2023, September 22)

⁸ See: 77 Farm to Market Road, Request for Minor Modification. (2020, September 22).

⁹ Unknown.

¹⁰ See: 160 Tihonet Road, Request for Minor Modification. (2020, September 22).

M. King stated that he had reviewed the proposed renewals and found that they did not meet the standards set by the Planning Board for decommissioning. K. Buckland pointed out that these bonds were scheduled to expire in December 2023. S. Quirk agreed with M. King's assessment.

C. Schulz asked K. Buckland if there were specific conditions in place for inspections, to which K. Buckland confirmed their existence. C. Schulz then inquired if K. Buckland had received any inspection reports. K. Buckland responded that occasionally they were submitted to his office.

MOTION – Move to not accept the replacement bonds for 299 Farm to Market Road, 77 Farm to Market Road, 71 Charlotte Furnace Road, and 160 Tihonet Road and that the Planning Board return them back to the proponents with the request for them to meet the new standard.¹¹

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

Seconded and passed without dissent. 6-0-0

III. PUBLIC HEARINGS

1. Proposed Cluster Development

Brad Bertolo, JC Engineering
John Churchill, JC Engineering
Peter Teitelbaum

The representatives requested an audience with the Planning Board to discuss their proposed project, which was originally approved in 2010.¹² The project is located off County Road and features two entrances and a manmade pond on the site. The initial plan included a road encircling the pond and connecting back to County Road, with 56 lots, 140 acres, and 12,500 feet of roadway. However, the plan had exceptions for 12 interior lots, which were subsequently purchased and included in the conventional development plan. The residential cluster development plan maintains the same number of lots but with one access point off County Road, 6,000 feet of roadway, and a 50-foot right of way.

During the discussion, it was noted that an easement would be provided for Squirrel Island Road to address the impact on residents due to the closure of the road during construction of the watermain. The conventional plan also includes 44 betterments without a watermain, which

¹¹ 458,000 for the panels and per megawatt, and 50,000 per megawatt for the best.

¹² The Planning Board participated in an informal discussion, and documents presented by the representatives are not yet made available.

would be installed as part of the project's resurfacing. P. Tietelbaum expressed support for the development, emphasizing that the houses would be affordable.

M. King clarified that the applicants were seeking a 40-foot setback in the front instead of the required 60 feet, and they would be seeking approval from the Zoning Board of Appeals to waive the setback requirements. J. Gleason expressed interest in ensuring that the green spaces and lake path would be accessible to the public, suggesting their inclusion under the management of an HOA or conservation entity. M. King supported this idea.

There was further discussion regarding exploring opportunities for affordable housing, and concerns were raised by M. Baptiste about water rights and the suitability of the pond for swimming due to its depth.

~

Nancy McHale, Fearing Hill Road Resident

N. McHale, who was present during the 2010 meetings when the project was initially approved, requested additional information regarding access to the old industrial site and rail lines. She expressed concern about the dangers of the pond and suggested that it should be made inaccessible to citizens walking the path. N. McHale also mentioned that the Department of Fish and Game had previously shown disinterest in acquiring the property for land acquisition purposes.

Unnamed Resident

A resident raised a concern about a major liability issue related to the pond on the site. The Land Trust had examined the pond and determined that its slope did not meet guidelines for ensuring that a person could safely exit the pond in the event of a fall. The resident also mentioned that the site was previously an old sand quarry.

Tricia Wurtz Resident

T. Wurtz expressed frustration that the discussion had not been posted as a public meeting. In response, M. King explained that it was an informal meeting held to discuss a specific project. T. Wurtz suggested that in the future, there should be a notice indicating when the Planning Board would be engaging in informal discussions about projects.

IV. CONTINUED PUBLIC HEARINGS

1. Discussion with possible vote - Proposed Adding Design Guidelines in WV-1R District to Planning Board Rules and Regulations

J. Gleason summarized her work on the proposed design guideline. It was not intended to curb creativity but rather serve as a productive reference.

~

Andy Costello, Resident

A. Costello applauded J. Gleason's work and the emphasis on proportionality. He expressed concern over developers requesting Special Permits to build higher properties and recommended that the Planning Board enforce the 65-foot requirement and behave conservatively with height requirements. In response, M. King clarified that the By-Laws currently allow for a maximum height of 55 feet, and any building exceeding 55 feet would require a Special Permit. M. King further stated that the Special Permit would not be applied liberally.

Kathy Pappalardo, Fearing Hill Road Resident

K. Pappalardo raised a question about building on preexisting buildings and lots. J. Gleason noted that FEMA requirements would be met, aligning with the resiliency plan. She mentioned that some buildings on Main Street are non-conforming, and developing properties in these spaces would require compliance.

Annie Hayes, Resident

A. Hayes discussed her communications with members of the community regarding the proposed guidelines and expressed support for J. Gleason's work. She voiced concerns about taller buildings and questioned how the guidelines would deter larger developers from constructing such buildings. J. Gleason responded that the design guidelines would be applied uniformly to all projects.

Nancy McHale, Fearing Hill Road Resident

N. McHale suggested that the guidelines should further encourage developers to seek a conceptual review from the Planning Board. In response, J. Gleason proposed adding the following language: "All applications for Site Plan review for the WV-1r subdistrict shall be preceded by submission of an application for design review."

Jim Meneses, Cranberry Highway Resident

Jim Meneses stated his belief that the design guidelines would be more appropriately placed within the Zoning By-Laws.

MOTION – Move to close the public hearing on the Proposed Adding Design Guidelines in WV-1R District to Planning Board Rules and Regulations as amended by J. Gleason.

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

Seconded and passed without dissent. 6-0-0

MOTION – Move to adopt Wareham Village Reinvestment Sub-District Design Guidelines and Performance Standards Rules and Regulations of the Planning Board, as revised.

MEMBER	MOTION	SECOND	VOTE
--------	--------	--------	------

M. King (Chair)		AYE
J. Gleason		AYE
C. Schulz	X	AYE
S. Corbitt		AYE
S. Quirk	X	AYE
M. Baptiste		AYE

Seconded and passed without dissent. 6-0-0

V. AJOURNMENT

MOTION – Move to adjourn.

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

Seconded and passed without dissent. 6-0-0

Prepared as Clerk 8/14/2023

WAREHAM TOWN CLERK
2023 AUG 29 PM 12:34