

WAREHAM PLANNING BOARD
MINUTES OF THE MEETING
Multi-Service Center
54 Marion Road, Wareham, MA 02571
Monday, July 11, 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
Carl Schulz
Jane Gleason
Mike Baptiste
Sherry Quirk, Associate Member
Sam Corbitt

ALSO PRESENT: Charles Rowley, Consulting Engineer
Monique Baldwin, Assistant Town Planner
Kenneth Buckland, Director of Planning and Community
Development

ABSENT: -

II. PRELIMINARY BUSINESS

1. Master Millwork, Inc.

Hanan Massey, Master Millwork, Inc.

C. Rowley noted he had met with H. Massey. The building inspector had pulled the temporary certificate of occupancy. C. Rowley completed an inspection and believed that the Planning Board could consider the project completed subject to the conditions included in his July 8, 2022, document.¹ C. Rowley recommended the Planning Board formally vote to approve the performance bond for record establish a two-year period for the bond's further existence. At the end of the two-year period an inspection should be done. C. Rowley believed that H. Massey had made a good faith effort to address issues. K. Buckland requested the guarantee on the performance bond be extended to three years.

¹ Document not found.

M. King agreed that significant efforts were made to correct issues. C. Schulz and M. King believed the Planning Board had improved zoning enforcement. M. King thanked H. Massey for his effort in the last several months.

MOTION – Move to accept the bond for Master Millwork, Inc. in the amount of \$50,000 to guarantee the landscaping, which will be held for the next three years, or before if so deemed necessary.

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

S. Quirk was ineligible to vote.

Seconded and passed without dissent. 5-0-0

2. #17-22. 65, 69, 73, and 77 Minot Avenue – ANR. Narrows Condominium Trust, c/o Beaver Dam Property Management Co., Inc.; Map 44, Lot(s) 1010-A, 1010-B, 1010-C, & 1010-D

No representative was present. M. King expressed frustration at the absence of a representative, given he had several questions regarding historic artifacts found on the adjacent property, and it was unlikely artifacts were restricted to just the adjacent property. J. Gleason stated that she was on two committees which completed an archeological study near the school. She stated that the area was known for having artifacts, and M. King's concerns were reasonable.

K. Buckland recommended contacting the Massachusetts Historic Commission and Historic Commission, and that further consideration should be made before development occurs on the property.

The discussion was delayed until the next meeting to allow the applicant to correct the plans with missing notations and join the Planning Board to discuss the plan in detail.²

MOTION – Move to defer further discussion on #17-22. 65, 69, 73, and 77 Minot Avenue – ANR. Narrows Condominium Trust, c/o Beaver Dam Property Management Co., Inc.; Map 44, Lot(s) 1010-A, 1010-B, 1010-C, & 1010-D until July 25, 2022, as the plan is incomplete and the applicant is not present.

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

² See: Revised ANR Plan. (2022, June 3).

M. Baptiste

AYE

S. Quirk was ineligible to vote.
Seconded and passed without dissent. 5-0-0

III. CONTINUED PUBLIC HEARINGS

1. #3-22. 5 Doty Street – Site Plan Review Applicant: Jason St. Martin; Map 103, Lot 1027 – Parking Lot

Jeff Raff, Engineer of Record, Shive Hattery and Eversource

M. Baldwin established that the Conservation Commission had not provided a statement on the project, as regulations call for. C. Schulz stated he was satisfied with approval as long as the Conservation Commission had no concerns. M. King agreed.

After discussion with J. Raff, M. King requested the amendment of Comment #3, that the new parking area is intended for employee parking and not for trucks waiting for repairs.³

C. Schulz clarified that the applicant was responsible for contacting the Conservation Commission to request a letter the Planning Board stating there were no environmental or wetlands considerations on the site.⁴ C. Rowley noted that he believed there was a bordering vegetative wetland on the plan, near the drainage area, and anything within 100 feet of a mapped wetland required a Notice of Intent to the Commission.

MOTION – Move to continue discussion of #3-22. 5 Doty Street – Site Plan Review Applicant: Jason St. Martin; Map 103, Lot 1027 – Parking Lot until June 25, 2022.

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

2. #33-21. 0 Route 25 — Site Plan Review Applicant: Wareham PV I, LLC; Map 115, Lot 1000 – Ground-mounted Solar Energy Generation Facility

Betsy Mason, Clavin's Law Group
Chris Wagner, Vanasse Hangen Brustlin, Inc.
Meddie Perry, Vanasse Hangen Brustlin, Inc.

³ See: C. Rowley Peer Review (2022, June 10); and C. Rowley Peer Review Report (2022, July 11).

⁴ Zoning By-Laws, Article 15.51, Relation to Conversation Commission Approvals (2022, April 13).

Haley Orvedal, Longroad Energy

M. King noted that the Hydrology Report was significantly less detailed than the report received by the Fearing Hill developers. M. Perry responded that the report was the appropriate level of detail given the issues at hand.⁵

M. King was not satisfied, stating that regardless of the high level of detail compared to other VHB reports, it was still the townspeople's groundwater who would have to deal with any issues that arise. C. Schulz noted that VHB's site mapping included substantially deeper groundwater than the Fearing Hill Road report. He further noted that M. Perry had made a statement that there were no appreciable pollutant runoffs from panels. He questioned if M. Perry could confirm that there were no PFAS in the panels. B. Mason responded that she had confirmed and submitted documents which confirm there are none in the panels.

K. Buckland stated that he believed the Planning Office had met D. Sullivan's request for additional study.

S. Quirk asked M. King if previous concerns about active investigations on the property had been resolved. M. King responded that he had received a letter from Town Counsel stating there were no active investigations regarding unauthorized soil removal. S. Quirk understood the letter to mean that while there was no targeted investigation, it was still a site that was under review. B. Mason stated that the issue had already been addressed, and requested the Planning Board speak directly with the Town Counsel and the Town Administrator that D. Fletcher's property will not be subject to investigation.

K. Buckland disagreed, as it was stated by D. Fletcher previously before the Planning Board that he had removed 80,000 to 100,000 yards of material from the property. The movement of earth and soil material and the potential fees associated with that must be paid may trigger an investigation into the property. The investigation would not impact the Special Permit issued by the Planning Board. The By-Law in place pertains only to excise tax and not to fees. M. King disagreed, feeling that unpaid fees applied in the situation. C. Schulz clarified that K. Buckland was referencing the application process which requires a statement from Tax collectors confirming taxes had been paid. J. Gleason questioned if there was a possibility that any correction for improper work could include restoration of the site, to which S. Corbitt responded that it would not.

M. King stated that the applicant had explicitly stated the Planning Board he had removed 80,000 – 100,000 yards of material, and it was already determined that no fees had been paid to the town. C. Rowley noted Section 12.16 of the zoning By-Law, which references exemptions.⁶ He believed that the issue was irrelevant to the proceedings of the Planning Board. M. King confirmed that D. Fletcher intended to maintain ownership of the property.

S. Corbitt questioned if town property was cross in accessing the site. K. Buckland noted there was an easement in place for utilities. B. Mason had provided information to the Planning Board

⁵ VHB, Groundwater Hydrology Assessment. (2022, June 30).

⁶ Zoning By-Laws, Article 12.16, Exemptions. (2022, April 12).

identifying transmission lines in the area.⁷ A distribution line would pass through the easement to the project site. No other utility lines are in the easement, however, other property owners have the right to install utilities in the easement.

B. Mason stated that no site work was being completed presently, to which S. Corbitt responded he had been the property and observed heavy equipment and large mounds of earth. H. Orvedal responded that no work had been done related to the project. D. Fletcher had conveyed to her that he had moved dirt around to discourage dirt bike users on the property.

S. Corbitt suggested requiring any further projects to provide a letter from the manufacturer that there were no PFAS in the panels. M. King agreed and requested confirmation from the applicant's manufacturer.⁸

J. Gleason questioned if the issue regarding the buffer had been resolved, to which B. Mason responded that they would be applying to the Zoning Board for a variance from the provisions. K. Buckland noted a variance would be needed first before the Special Permit could be issued. C. Schulz stated he believed the applicant had properly handled the issue of the buffer. It was decided to continue the public hearing until the applicant could apply and gain a variance before the Zoning Board of Appeals

MOTION – Move to continue the public hearing of until August 22, 2022, with the anticipation of PFAS document, the Decommissioning Report, the applicant's presence in front of the Zoning Board of Appeals, and the Zoning Board of Appeals' response.

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

Withdrawn due to appearance of members of the public for comments.

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Annie Hayes, Resident

A. Hayes questioned if the applicant planned to use cadmium telluride panels, to which M. King responded that the manufacturer would be providing technical information on the panels, and until that occurred the discussion should be deferred. C. Schulz requested that B. Mason be prepared with information regarding the leaching of cadmium from the solar panels, to which she agreed.

Barry Cosgrove, Resident

⁷ B. Mason, Re: "Necessary Utilities" in the Access Easement/Access Road Serving the Project. (2022, July 11).

⁸ First Solar, RE: CdTe PB Safety. (2022, July 22).

B. Cosgrove stated that the applicant and their counsel were incorrect in their assertion that there was no investigation. A memo from the Town Administrator was written the morning after the previous Planning Board meeting pertaining to an investigation. He stated that the belief that the referenced Earth Removal By-Law does not only pertain to the payment of fees, noting he had written it. It calls for the enforcement of the Earth Removal Bylaw, which includes restoration.⁹

B. Cosgrove further stated that it was clear that more than 80,000 to 100,000 cubic yards had been removed from the property. He disagreed with C. Rowley's statements on the By-Law exceptions, as the exception applies to *moving* not removing soil. He stated that an independent groundwater study should have been conducted. He also noted an open impending complaint for wetland violations on the site, which could result in restoration of the project per the By-Laws. He further noted that the issue of transformers had not been discussed, and the Department of Public Works should be fully aware and engaged in the issue.

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MOTION – Move to continue the public hearing on #33-21. 0 Route 25 — Site Plan Review Applicant: Wareham PV I, LLC; Map 115, Lot 1000 – Ground-mounted Solar Energy Generation Facility until August 22, 2022, with the anticipation of PFAS document, the Decommissioning Report, the applicant's presence in front of the Zoning Board of Appeals, and the Zoning Board of Appeals' response.

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

S. Quirk was ineligible to vote.
Seconded and passed without dissent. 5-0-0

IV. OTHER BUSINESS

1. Meeting Minute Approval – June 13, 2022

The minutes had not been reviewed, and thus were not approved.

2. Article 6: Density & Dimensional Regulations, Stormwater By-Laws & MS4, & Other Articles

K. Buckland noted the Board of Appeals would be discussing Article 6 at their upcoming meeting. He anticipated their expectation of substantive changes. J. Gleason agreed

⁹ By-Laws of the Town of Wareham, Div. IV, Art. III Earth Removal Regulations. (2021, October 25).

substantive changes were in order, but required due consideration. C. Schulz noted Article 15 also needed substantive changes.

A discussion ensued on how to approach the review, given the eight weeks until Town Meeting. It was decided to begin reviews with a discussion Article 15 and a cursory review of Article 6.

V. MEMBER COMMENTS

S. Quirk noted that the record for Fearing Hill was complete with the exception of the minutes, to which C. Schulz discussed the need to file and approve the minutes.

J. Gleason requested further information about the Site Plan Review for the Gates of Heaven Cemetery, to which C. Schulz responded that documentation had been submitted by A. Hayes that speaks to the credibility of the applicant.

C. Schulz noted that it was requested from the Planning Board to provide sight lines of citizens near the Fearing Hill Road project, and a brief discussion ensued of the organization of those submitted documents. S. Quirk requested an additional site visit by the Planning Board.

VI. AJOURNMENT

MOTION – Move to adjourn.

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

The meeting was adjourned at approximately 7:45PM local time.

Approved by Planning Board Clerk: _____

Date submitted to Town Clerk: _____

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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

The meeting was adjourned at approximately 7:45PM local time.

Approved by Planning Board Clerk: 

WAREHAM TOWN CLERK
2023 APR 11 AM 9:12

Date submitted to Town Clerk: _____