

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: November 27, 2017

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members present: George Barrett
John Cronan
Emmanuel Daskalakis
Marc Bianco
Alan Slavin, BOS Liaison

Also present: Ken Buckland, Town Planner
Charles Rowley, Town Review Engineer

Members absent: Mike Baptiste

III. PRELIMINARY BUSINESS

A. Meeting Minutes:

- November 13, 2017

MOTION: Mr. Cronan moves to approve the meeting minutes of November 13, 2017.
Mr. Daskalakis seconds.

VOTE: (4-0-0)

B. Sign Bay Pointe Mylar and Covenant

Mr. Buckland states there is a covenant agreement as well with this project.

Present before the Board: Chris Reynolds, Stonestreet Corporation

Mr. Cronan states he thought work on the site could not begin until surety was in place.

Mr. Reynolds state that once the Covenant is in place and recorded they may start the site work, and once surety is in place they may apply for their Building Permits.

The Board endorses the mylars and Covenant.

IV. PUBLIC HEARINGS

V. CONTINUED PUBLIC HEARINGS

A. Kevin Oliveira – Site Plan Review – 6 Recovery Road

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.

Mr. Rogers states that the site plan has not changed since the last public hearing. Since the last hearing the Conservation Commission has issued a positive Order of Conditions for the site. Mr. Rogers states that the only change was that there was a previous request for additional details for screening of equipment on the roof of the building; revised A1 and A2 plans were submitted showing the detailed screening and elevation plan. Mr. Rogers states that he has reviewed the draft decision and the only change he would request would be to change the owner to Coastal Orthodontics, LLC from Kevin Oliveira.

Two changes are made to the draft decision. The owner is changed to Coastal Orthodontics, LLC instead of Kevin Oliveira. Number 17 of the conditions is removed.

Mr. Bianco states that if there are 32 parking spaces, but 9 work stations with the potential for 9 patients and 9 employees are there enough parking spaces.

Mr. Rogers states that they are required to have 1 parking space per 250 sf, however, they have planned 12 more parking spaces than required.

Mr. Cronan states that he feels the guidelines should have specific requirements regarding siding, screening, etc. so the applicant knows what to provide to the Board.

Mr. Daskalakis asks questions regarding the architectural plans.

Mr. Bianco asked if they could add a statement under the comments on the plans since they're permitting approval of preliminary plans. Mr. Rogers states that construction plans will be submitted to the departments at Town Hall, including the Planning Department.

Mr. Daskalakis states he feels it would be nice if they were not shown plans with things they couldn't define.

MOTION: Motion is made to close the public hearing. Mr. Daskalakis seconds.

VOTE: (4-0-0)

MOTION: Mr. Cronan moves to endorse the Site Plan with the amended conditions. Mr. Daskalakis seconds.

VOTE; (4-0-0)

VI. REFERRALS

VII. ANY OTHER BUSINESS/DISCUSSION

A. Staff Report

a. Rescission of subdivisions

Mr. Buckland states he had done some research regarding the issues presented at the previous hearing regarding subdivision roads and ANR plans. Mr. Buckland states that a previous ANR had removed a subdivision roadway. The question was if this was done correctly and if they need to have an action on a rescission of a subdivision. Under state law there are three standards for ANR endorsement, the lots must have front on a way of a certain type, the lot has to have a minimum of frontage requirements, and the Planning Board determines that access to the lots is available. There is nothing about the rescission of subdivisions. Rescission of subdivision cones under MGL Chapter 41 Section 81W and the Planning Board has the ability on its own motion to rescind a subdivision, but no lot sold or mortgaged shall be included in that without the owners' permission, and the rescission will not take effect until recorded in reference to the original plan. Based on that, the thought was that an ANR could not rescind a subdivision and could not be used to remove a right of way show on the plan. However, in the Rules and Regulations of the Planning Board under Performance Guarantee it states all ways and municipal services shall be completed within 24 months of the approval of the plan and failure to so complete will result in rescission of the plan.

The Board discusses the ANR plans submitted at the previous hearing. Mr. Buckland states that since an ANR plan had been approved previously for one property then another should have been approved.

Mr. Rowley states he feels the only way a subdivision could be amended is if the Planning Board holds a public hearing, and makes a decision on the rescission.

The Board agrees to have a discussion regarding this with Town Counsel.

b. Revisions to Subdivision Rules and Regulations – call for public hearing

Mr. Buckland states that he and Mr. Rowley have been reviewing the Subdivision Rules and Regulations. Mr. Buckland recommends that there are two separate submittals for ANR's, one to the Planning Department, and one to the Town Clerk. Mr. Buckland states they would like to change the Subdivision Rules and Regulations so that the submittal to the Planning Board starts the 21 day approval period, the 21 day approval period will not start until the plans are submitted to the Planning Board at the public hearing. Mr. Buckland recommends putting this change in the newspaper. Mr. Barrett recommends having a workshop first.

c. Chapter 43D program status

Mr. Buckland states there is a very rough draft of a permit guideline for Chapter 43D that will come before the Planning Board for comments. The Town is working with SRPEDD on these guidelines. Mr. Barrett said when this was originally proposed it felt as though it took away a lot

of local control. Mr. Buckland stated the Board would have 180 days to make a decision on the projects, but would not take away local control.

d. Master Plan process and products

Mr. Buckland states the Town is also working with SRPEDD for the Master Plan. There is currently an online survey that will be closed as of November 30, 2017. The Town is hoping to have a vision plan in December and the rest of the Master Plan ready in January.

e. Mass. Downtown Initiative grant application

Mr. Buckland states that November 30, 2017 is also the deadline for the Mass. Downtown initiative grant and asked if the Planning Board had any recommendations.

f. Status of Projects

Aldi's is expected to open on November 30th and will be applying for an extension of the remaining buildings, which the Planning Board had recommended against and will also be requesting a Use Variance a drive-thru Wendy's at the S&H site in front of Walmart.

VIII. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

IX. CORRESPONDENCE

A. See correspondence in packets.

X. ADJOURNMENT

MOTION: Motion is made and seconded to adjourn.

VOTE: (4-0-0)

XI. DOCUMENTS

Date signed: 12/11/17 4-0-1

Attest: George Barrett

George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: _____