

**WAREHAM PLANNING BOARD**  
**MINUTES OF THE MEETING**

**Monday, December 13, 2021**

**Time: 6:00 P.M.**

**Place: Room 320, Multi-Service Center, 48 Marion Road, Wareham, MA 02571**

WAREHAM TOWN CLERK  
2022 JUN 21 PM4:15

**Optional ONLINE Connection:**

<https://us02web.zoom.us/j/86232646801?pwd=WDRKcG0vcmlQ5RXNEN0IBcUxLY1RQQT09>

Passcode: 238699

Or One tap mobile:

+19292056099,,86232646801#,,, \*238699#

*4-0-0  
[Signature] as clerk*

**1. CALL MEETING TO ORDER @6:00 PM**

**2. ROLL CALL**

Attending: Richard Swenson, Carl Schulz, Sam Corbitt, Mike King, Jane Gleason,  
Mike Baptiste (Arrived at 6:04 PM)

Also: Ken Buckland, Aaron Shaheen, and Charles Rowley

Richard Swenson reads the Mission of the Planning Board.

**3. PRELIMINARY BUSINESS**

**Meeting Minutes – July 12, 2021, July 26, 2021, August 9, 2021, August 23, 2021 and November 22, 2021**

Carl Schulz ask to meet with Aaron Shaheen about the Meeting Minutes and move vote to next meeting.

**Future Meetings: Set Schedule of Upcoming Meetings and Workshops**  
**Workshop: Article 15: Site Plan Review, December 20<sup>th</sup>, 2021**

Richard Swenson asks the board to cancel the meeting on December 27, 2021.

Mike King motions to cancel the meeting on December 27, 2021, Second by Carl Schulz, Vote 5-0-0

Richard Swenson states there will be a workshop on December 20, 2021, on zoom talking about site plan review, site inspection procedures, and procedures on special permits, site escalation, and fees. Mike King states he will not be present. Richard Swenson will provide a revised copy to Carl Schulz. The Planning Office will set up the zoom meeting and post the agenda.

**4. CONTINUED PUBLIC HEARINGS**

**1. #21-21 Site Plan Review – Wareham MA 3, LLC – 91 & 101 Fearing Hill Road – Map 91 & 71, Lot(s) 1000 & 1007 – Ground-mounted Solar Energy Generation Facility**

Richard Swenson informs the meeting that Mr. Shanahan requests a continuance to gather more data on historical data presented on last meeting and site noise analysis.

Motion to continue to January 10, 2022 by Carl Schulz, Second by Sam Corbitt, Vote 5-0-0

**2. #31-21 Site Plan Review - LSE Hydra, LLC. - 36, 44, 48 North Carver Road, Wareham, MA - Map 104 Lot 1046, V/B & V/C - Ground-mounted Solar Energy Generation Facility**

Aaron Shaheen states that the applicant has requested to continue to next meeting to make site revisions based on comments from the Conservation Commission. They will be before the Conservation Commission on December 14, 2021 to make those changes.

Motion to continue January 10, 2022 by Carl Schulz, Second by Mike King, Vote 5-0-0

**3. #32-21 Definitive Subdivision Plan - RESI, LLC - 36, 42, 48 Robinwood Road, Map 4, Lots A, B, & C – Seven Lot Subdivision**

Applicant Representatives: Bob Rogers, Engineer, G.A.F. Engineering, Tom Gay, Gay and Gay

Bob Rogers: States they submitted the revised package on Thursday. He wants to go present the materials, but give time for the board members and Charles Rowley to review them. Bob Rogers submitted revised plans, a response letter to Charles Rowley's review, a revised waiver, a letter from Mr. Gay related to the lot shape factor, and a new stormwater report. The biggest updates from the submittal in response to Mr. Rowley's review were to analyze the stormwater impacts pre-development and post-development. Bob R. states they have done that and provided the analysis. Bob R. states there is a crushed stone trench on either side of the roadway. The majority of the runoff stays in the system. 1 ½ foot deep swales. 100-yr storm calculates 9 inch depth for each swale.

Carl Shulz: How deep are the swales?

Bob Rogers: Clarifies the depth of the swales to be 1 ½ feet and that 9 inches is needed for a 100-yr storm flow. The water main will be looped as requested by Onset Water.

Attorney Gay: The two benefits of a looped main are less stagnant water and there are two shutoff points.

Bob Rogers: The new superintendent has asked for this.

Carl Schulz: Can we get a copy of that request from Onset Water?

Bob Rogers: A letter has been provided from their consultant OSD consulting which was provided a while ago and is posted on the web page. Those are the main changes on the plan, and it is documented in the drainage report how the compliance is met. In terms of the waiver request letter, we have added street trees just outside the layout so they do not interfere with the swale. It has been eliminated as a waiver request. I have added a request for catch basins and to not provide a firm alarm circuit or boxes. We still want relief from sidewalks, cape cod berm, and raised shoulders. A letter has been provided with Mr. Rowley's comments and responses.



Attorney Gay: I have attached a letter to a copy of the by-law regarding lot shape factor. An exhibit attached shows the two lots in questions.

Richard Swenson: For the board, we are looking at Lot 48 and Lot 52. The zoning circle is per Article 6. It is required to be 100 percent upland. This board has the right to waive that requirement if we see no detrimental effect.

Attorney Gay: The letter goes to that affect. It illustrates it will not have a detrimental effect on these lots. There is significant contiguous upland and there are plenty of areas for us to situate houses. The board has the right to waive that condition.

Carl Schulz: If the board decided to grant the waiver, these wetlands would exist on the lot. Can we put a note on the deed that says the future owner cannot cut trees in a wetland area?

Ken Buckland: You can put an easement on the lot.

Mr. Gay: Sometimes the conservation commission will have monuments on the lots to show that a person should not go further.

Richard Swenson: Asks Ken Buckland if all the laws carry over.

Ken Buckland: Yes they do.

Bob Rogers: Each individual lot will have a notice of intent and there will be a land court certificate reference that carries over to the certificate of compliance. The scenario would come well after a certificate of compliance is issued. They will be purchasing a lot having seen a plan up front because of the need to protect peoples views and structure the HOA documents.

Attorney Gay: We have no objection to some type of protection for that.

Richard Swenson: It is my understanding the revised plans were delivered last Thursday.

Bob Rogers: Correct.

Richard Swenson: It is my understanding no one has had an opportunity to review them.

Bob Rogers: Requests a continuance to January 10, 2022.

Sam Corbitt: States he is still concerned with surface water.

Bob Rogers: There are three very small crush stone pads that were installed today to show the effect of something like this negating the impact of compacted loam.

Attorney Gay: These are meant to reduce the ponding in the area.

Bob Rogers: 5 feet long, 2 feet wide wicks were installed.

Charles Rowley: The board should be concerned of the runoff to other properties. The stormwater management G.A.F. put together, it shows a plan for each dwelling. Each dwelling will be raised on some sort of mound. A couple of spots are of concern to me that if they are built as they shown on that plan you may end up with a pocket of trapped water which will not get out because of the surrounding contours of the ground. The path of the runoff that gets to the water has not been shown in the drainage calculations. A piece on the plan gives you a little bit of guidance on page 7 of 9 on the subdivision plan. If you look at the dotted line to the right of the cul-de-sac labeled VE-18 and VE-19 and follow that line to the bottom of that page, you will come to the easement line that is parallel to lots 53 and 52. If you look where dotted lien crosses those two, you will see something that is a break in the contour

Richard Swenson: An inch down to the right of the cul-de-sac.

Charles Rowley: That is correct. If you look at the in comparison to the contour on the stormwater plan, I am not sure the water will ever get there. I think the intention was to create a pathway for the water to get to the shore. I want to be sure when all is done that we have not compounded the water to someone else. There is also a build up of land on that property corner. Adverse impacts need be addressed to the abutting property.

Bob Rogers: I would be happy to meet with Charlie and review that in detail. The reason we are not negatively impacting the abutter is because we are preserving low areas on the property. The yard area here and the closed contour Mr. Rowley referred to, in a straight up heavy storm event the low point in the elevation is 5.6 and a foot and a half swale, the water would pond between lot 53 and 54. This is why we are leaving that grade at elevation 4. In a similar sense the yard in this area is very flat, down to 4.8, almost a foot and a half below the road. We want to make sure there is a path to this cut in the retaining wall. The elevation of that concrete is 4.8. The reason we put these wicks in is to reduce the puddling between lot 48 and 54 for future homeowners.

Richard Swenson: Mr. Rowley will continue his analysis of the new report. Bob and Charlie will work together between now and the next meeting.

Charles Rowley: At this time, the only jurisdiction this board has is over the road construction and they have greatly improved flooding on the road. Whatever happens on the lot will be between the applicant and the conservation commission. The only thing the board can say in their decision that there will be no impact to abutting properties. During regular rainstorms we want to reduce flooding. I will look over more detail of the drainage with Bob.

Richard Swenson: The Planning Board's role in a subdivision plan is the road, lot layouts, frontage circles, and other things like that. I am curious to the Board of Health's role?

Charles Rowley: The BOH determines if there are public safety issues with the lot themselves. If they do not submit issue within 45 days, it is assumed they have no issues. As long there is some condition of approval in place that protects the abutting owners from impacts of runoff from the road, it is my opinion that is all you can say.

Mr. King: Do you have any concerns with Robinwood Road?



Charles Rowley: I did look at it. If some of the vegetation was cleared it would make it a lot easier to travel.

Mr. King: It looked narrow to me.

Attorney Gay: We can definitely clear some vegetation on our property as long as it is not near wetlands.

Mr King: The traffic study is not realistic. The affluent people have more than two cars. The report noted 24 trips a day, which I think is unrealistic. I think it is more like 50. I want to make sure vehicles have room on Robinwood Road.

Jane Gleason: I am curious about buildable area on each of the lots?

Attorney Gay: On the letter I submitted, there are illustration for lot 48 and 52. It shows the proposed home locations and potential ones within that circle.

Charles Rowley: It also shows up in the back of the stormwater calculations.

Bob Rogers: We found examples where more than a third of the lots in wetlands. It shows precedent that having small portions in wetlands does not derogate from the intent of the by-law.

Carl Schulz: Are we not able to consider the sewer hookups?

Charles Rowley: They have chosen to make a connection the municipal system. There are injector pumps in each dwelling.

Carl Schulz: It is in our right to consider that?

Charles Rowley: Yes.

Bob Rogers: Subdivision Control Laws force us to consider that.

Carl Shulz: The hookups seem to be disruptive to the neighborhood.

Charles Rowley: Asks the applicant to show there rights to hookup on private ways.

Carl Schulz: At future meeting, discuss how the directional drilling will occur and how it disrupts the neighborhood.

Richard Swenson: And if you have the right to.

Attorney Gay: We will provide a letter.

Sam Corbitt: I am still concerned with the water and the location of puddling to the road.

Attorney Gay: We are using wicks to test and see what will be require. Our goal is to make the parcel better it is today. This is what Bob will work with Charlie today.

Sam Corbitt: Are you saying this is a test?

Bob Rogers: This is more of a demonstration.

Attorney Gay: This is also one of my concerns.

Motion to open this continued public hearing by Sam Corbitt, Second by Carl Schulz, Vote 5-0-0

Richard Swenson: The public hearing is open. The time limit is 3 minutes and ask the public to bring forth new information.

Thomas Donoghue: The neighborhood is here tonight (north abutter, south abutter, the Aron family, the Bothello's Robinwood Road residents) and we are all very concerned about the stormwater. I heard the measure being taken for the roadway I have not heard about any emergency situation at the southern border. At the northern border the 150 ft rain garden is diverting 8 acres of water into their fence. The snow storage plan is to push the snow towards the neighbors fences. I wanted to ask if the snowmelt is a part of the new stormwater calculations.

Bob Rogers: We don't analyze snowfall amounts in terms of the drainage calculations. That is one of the reasons we wanted to maintain a longitudinal grad of 3.5 percent. When the snow is plowed, it will remain close to the road.

Thomas Donoghue: When the snow piles up it will be taken off the property?

Bob Rogers: I do not expect that to occur on this property. I do not see the need.

Thomas Donoghue: What is the date the traffic study was conducted?

Bob Rogers: I believe the traffic study was done in October.

Thomas Donoghue: There has been testimony that the fire department has asked for a 20 foot wide road. Tonight it was stated that the road will be 18 feet wide. Has the fire department been informed.

Bob Rogers: Originally we came in with a 20 foot wide road but we were reminded the subdivision rules and regulations allow a 18 foot wide road. The current roadway width meets the subdivision rules and regulations. We are waiting for confirmation from the fire department.

Thomas Donoghue: Will there be a central standby generator or one for each house. We are concerned about the noise.

Richard Swenson: I think we are getting a little far field here.

Thomas Donoghue: An online ad states three garage units. Has that been changed since the original testimony stating there will be two garages for each house?

Bob Rogers: I take you at your word that if it shows three garages that is the intent right now.

Richard Swenson: The structure is not purview to this board.

Thomas Donoghue (TD): Will these documents be posted on the web?

Richard Swenson (RS): Yes.



TD: Has a meeting be scheduled with conservation?

Bob Rogers (BR): When we will file the notice of intent, we will be on the second meeting in January.

Michael Bessey (MB): I believe the road commissioners have met on this subdivision to discuss Robinwood Road. Are there findings purview to your committee?

RS: I am not aware of them discussing Robinwood Road.

Ken Buckland (KB): I am chairman of the road commission. We have only discussed have David Menard from Municipal Maintenance go out and look at what improvement should be made to Robinwood Road.

RS: Is this in regard to this proposal?

KB: Yes.

Manuel Bothelo (MBO): When this project is approved or not approved, the applicant will not be there. I hope the board takes that into consideration.

Mary Oliveira: The mission of a developer is to buy, develop, and leave. We who have been there for many years are left holding the bag. We are not having normal rainstorms anymore. We are relying on the board to hold any developer accountable.

Marlene Aron (MA): I had sent this letter today. I strongly object to all the waivers proposed. The rain garden will be sending stormwater to the wetland right next to carriage house. Isn't the rain garden supposed to taking the water? If the Planning Board grants these waivers, what can I do?

Bob Rogers: The rain garden is no longer apart of the drainage design. The swale goes all the way around.

MA: Why are they not considering a retention pon to keep all the water on the subdivision?

BR: We have 4 or 5 localized areas on the private property where the stormwater is going to flow to. The wick were installed to provide additional infiltration systems in the yard if needed.

MA: I am concerned with my solar deck array, which is next to one of the proposed homes.

BR: We are responsible for setbacks of homes that conforms with the zoning setbacks.

MA: My solar is not right up against the lot line. When the bond look at a performance bond? We know construction vehicles and traffic will damage Robinwood Road.

RS: Part of the subdivision process is a guarantee by the developer and we have not begun to discuss that. We do not know the damage to Robinwood Road.

MA: The traffic study dated November 8, which was probably done at a time during COVID when there is less traffic.

RS: We will stop at that then. I would entertain a motion to continue Robinwood Ro January 10.

Motion by Sam Corbitt, Second by Mike King, Vote 5-0-0

**4. #33-21 Site Plan Review - Wareham PV I, LLC - 0 Route 25 - Map 115 Lot 1000 – Ground-mounted Solar Energy Generation Facility (Continuation agreement from Attorney Betsy Mason)**

Richard Swenson states the applicant is waiting for a ruling by the state Attorney General on the solar by-law passed on the June 12, 2021 Town Meeting.

Motion to continue to January 10, 2022 by Mike King, Second by Sam Corbitt, Vote 5-0-0

**5. #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**

Motion to reopen the public hearing by Carl Schulz, Second by Mike King, Vote 5-0-0

Tim Faye (TF) and Chris Reynolds (CRE) are representing the Applicant

RS: States there are been a report from Charles Rowley and responses from the Applicant.

TF: The Bay Pointe group has executed the assignment documentation. It shows the title agreement is not between the town and Bay Pointe rather than the town and Stonestreet Corporation.

KB: We expect to have it executed this Thursday.

RS: There is nothing to stop us with our review.

CS: Were we provided with that email thread.

RS: I will forward those notes to you.

CS: Thank you.

TF: We submitted our plans to the town. The town submitted the plan to the Fire Department. A letter came out this afternoon and they stated they would like more time to review the plans.

CRE: They did not have an issue with the project. Some of his comments were the flow of emergency vehicles. He requested for the radiuses to be more open for access. He had comments on the fire hydrants and wanted actual copies of the truck radiuses on the plan. Fire Department only reason for delay is they want their deputy to review it.



TF: I will read through the letter, but will not discuss the engineering side of the project.

CR: I think it is fair to raise the issues with the board but keep the technical details for an outside discussion.

TF: One issue that was raised today was the parking spaces at 9' x 18', which is what we are requesting; we need relief to do that. In our opinion, this is a decision in a CR zoning district that the board can make.

RS: I do not think the Planning Board has the right to make that decision.

CRE: The whole idea of the CR district is that the applicant can work with the Planning Board on the rules.

KB: The intent of the CR district is that the Planning Board has the ability to design the uses, dimensions, and standards for projects. It is found under 580.9 subsection 3. It is the intent of this district to allow flexibility for the developer and negotiate design standards with the Planning Board.

Mike King (MK): How many parking spots does the project have with the relief?

CRE: There are 137 spaces for 52 units.

TF: We have 2 ½ spaces per unit. If we were to calculate at 9'x 19 we would have less parking spaces

MK: Would you still have 2 per unit?

TF: Yes, but with the same amount of pavement.

RS: I think your right that the Planning Board has the right to determine the size of parking spaces in the CR zoning districts. Are the parking spots considered off-street?

KB: They are considered off-street.

RS: I recommend you proceed under the assumption you already made.

TF: We have updated the impact statement and submitted that to answer Mr. Rowley's letter.

CRE: The sewer is connected between Phase I, 2, 3, and 4. What happens is Phase 1, new Phase IV, and a portion of Phase II all drains to the existing pump station which is size accordingly for the flow. The existing pump station will then pump to the new pump station in phase II, which will then go out to the roadway and the force main.

CR: I think when the CR district talks about density the intent is the building.

RS: 580.10 is specific to parking requirements.

CR: I think that is referring to the number of spaces not the dimensions. With respect to the sewer, I wasn't clear what was happening there because all of the affluent is

going into the current pump station. Is the capacity of the pumps in that station large enough to take the additional flow at that point? I realized everything is going to end up at the new pump station. Are the pumps able to handle the capacity?

CS: Did we get work from sewer?

CR: The sewer commissioners approved the flow for this project.

CRE: I talked to Guy about that. These are private stations so he doesn't have to worry about them. As a part of the agreement there is a line that has to be redone on Onset Avenue before homes on Phase II and Phase II have to be complete.

TF: I am happy to discuss density. I did not understand the questions about density for Phase I, II, and III

CR: The original special permit has a density requirement. Adding Phase IV changes the density for the whole project. The board needs to agree to the density on this parcel and modify the special permit for Phase I, II, and III, which allowed the density for these phases. If the board agrees, the density should be left that is of purview of the board. The 4<sup>th</sup> phase has a different density that is much higher.

TF: We could never meet that. The earlier phases are on 147 acres which is a golf course. We've got a plethora of land.

CR: Presumably, the PNS will link this parcel to the golf course. If you compare this density of this project to the rest of the phases, Phase IV will be higher.

RS: I think Mr. Rowley's point is that the board can approve or disapprove the density. Mr. Rowley would like to see the numbers.

TF: The units for Phase IV are different style from the rest of the Phases. Mr. Rowley, what would the standards be to reconcile that use with respect to the land?

CR: I think you would have to take a look at the plan itself, the number of units, and their orientation to each other, how it relates to the golf course because one of the requirements of the CR district is the development has to be mixed use. Somehow, these units have to have some relation to these requirements.

TF: What is the definition of this relationship?

CR: How does it relate to them in terms of the visual impacts, the ability of the people that live there to use the golf course?

RS: My suggestion would be to understand the total density of Phase I, II, III, and IV and calculate it with the new units. You ask a valid question in how does it relate to a mixed use golf course. It is a CR mixed used district and Mr. Rowley does have a point that Phase IV must be integral part of the whole project.

TF: It is by proximity. I felt it was important that the golf course remained independent of the residential housing development. It gives the most opportunity for people to enjoy the course. It is a semi-private experience with memberships at a affordable rate. There is no requirement for the unit owners to have a membership. All units share that relationship. The clubhouse will serve all of the various phases and the public.



CS: How was the relationship established between Phase I, II, and III?

CR: Through the total area within the total area of the defined Phase I, II, and II of the subdivision plans that were approved by this board.

CS: I understand the relationship.

CR: The number of units and the area defined was ultimately established in Phase I.

TF: Throughout this letter, we provided updates that Mr. Rowley needs time to remove.

CR: I think the board needs to look at these plans as well. I suggested trash pickup be curbside. Where will the curbside pickup be? That is another issue. Although the issues will be discussed between Tom and me, I think the board still needs to hear them.

RS: I think the process works best when Mr. Rowley work through these outside of these forums.

TF: States he will incorporate Ms. Gleason's comments into final designs. The architects would like to engage with Ms. Gleason further.

JG: I would be happy to make myself available.

CS: It is appropriate for a board member to meet outside of the public meeting. I am concerned if meetings are happening outside of the meeting.

KB: A subcommittee can be formed to meet outside of the meeting.

RS: States the Planning Board creates a subcommittee to allow Ms. Gleason to engage with Stonestreets Corporation architect. Ms. Gleason would not be making any decisions and will report to the board what happens in the meetings.

Motion to create a subcommittee on the architectural aspects of Bay Pointe Phase IV consisting of Jane Gleason by Mike King, Second by Sam Corbitt, Vote 4-0-1

CS: I do not think that Site Plan Review is that process. Other processes are places for that.

TF: Asks for additional information and requests from the board.

CS: What is the status on paving on Phase I.

TF: Driveway paving is complete. We finalized preparation for tomorrow and arranged for paving Wednesday.

CS: Update us next meeting on that.

TF: Absolutely.

Christopher Muller: I am not against housing development in Wareham including Bay Pointe. If it is open to the developer to meet with the board outside of the

meeting, it should be open to the public to meet with the board as well. Mr. Faye stated the road would be completed by November 25 and it has not been completed. At the original proposal meeting, Mr. Faye made a proposal to construct a new 4-lane entrance at Onset Ave, sidewalks from Bay Pointe, Village to Onset Ave, high efficient streetlights, and a renovated pro shop and restaurant/event center. I asks the board to table discussion until all other phases are complete. Mr. Faye is making promises he will not keep to the board and the public.

George Salem: I was informed through Mr. Rowley's report that the sewage of the new 52 units will be dumped to his pump station. According to the agreement from 2014, Mr. Faye has to submit plans to the village and town when the sewage will be more capacity than the pump can handle. Mr. Faye is obligated to inform Bay Pointe village about the new pump stations. The agreement states on pages 18,19 and 1 that the sewer agreement does not apply to Phase IV and they have no right to connect to their pump station. Our village has extra land and we have the right to build more houses and a club house. With 52 more units added to the system, it will be maxed out. We ask that Mr. Faye have a new pump station for sewage from the new units.

CRE: Part of the sewage flows into Phase II pump station and transferred to the new pump station.

RS: I was not aware there was a private pump station that was not stonestreets.

George Salem: The way I understand it is that they needed to put Phase I into our pump station. An agreement was made that Phase II and III was supposed to go to their pump station.

CRE: States he will meet with Bay Pointe Village.

KB: I think it's a good idea for them to meet and make an agreement between them. I think it's appropriate to get that decision done before the board makes a final decision.

CS: Mr. Campinha would not know about this?

CR: He has certain requirements for the pumps he allows. His reports states the total flow coming from Bay Pointe.

RS: We want to hear the report from their conversation. The Planning Board has jurisdiction on roads and the special permit. This meeting may not be the resource to address some of these issues. If we can do something, we will do it.

SC: Is there any documentation on the agreement?

George Salem gives documentation to SC.

SC: Thank you.

Joan B: I have reservation about the subdivision going forward. I have been trying to communicate with Mr. Faye and Chris about my kitchen not being finished.

Deb M: I am concerned about parking on Bay Pointe Drive once the units are built. If the Planning Board doesn't ban on street parking on Onset Avenue to the pro shop area, the residents of Phase IV, golfers, tournament attendees, function attendees will



be parking on the street. Also asking the board to mandate signing on either side for no parking on the street.

Items for next meeting:

Report from Jane Gleason

Mr. Rowley/Applicant review of outstanding issues

Motion to continue to January 10, 202 by Sam Corbitt, second by Mike King, Vote 5-0-0

## **5. PUBLIC HEARINGS.**

### **1. #37-21 Definitive Subdivision Plan – Tobia Way – Christian E. Tobia – Map 40, Lot(s) 1002, 1020, 1021, & 1022 – 2 Lot Subdivision**

Motion to open the public hearing by Mike King, Second by Sam Corbitt, Vote 5-0-0

Applicant Christian Tobia

Engineer: Sam Iamele

Sam I states there are 4 existing lots on the site and the roadway was never constructed. They are proposing to create two conforming lots and 40-foot wide layout adequate for turning. Sam I states the existing conditions were created from a previous subdivision plan with 4 lots. Richard S. asks consulting engineer Charles Rowley to review the plan. The first steps are for Charles R. to review the plans. Mike K. asks if there are future plans to access the rest of the open space on the lot. Sam I. states it will only be used to access the lot in the back. Richard S. asks if there can be a condition put to limit more use of the lot. Ken B. states they can but to consider the potential of the rest of the land. Christian T. states that the Town of Wareham owns the lots behind the subdivision and at a town meeting the town wanted to put a cemetery back there. Christian T. states he will put a fence behind his lot. Carl S. asks if all of the other abutters and board have been notified. Aaron S. confirm that this work has been done. Carl S. asks Ken B. if the applicant were to develop further, would they have to come back to the board. Ken B. confirms this and states the applicant would have to extend and reconstruct the road. Charles R. states that if the property adjacent to the development is not a part of the property, it would have to be granted to make second driveway.

Public Comment

Tim Raymond states that he is in favor of the project.

Motion to continue the public hearing to January 10, 2022, by Sam C, Second by Mike K, Vote 5-0-0

### **2. #38-21 Definitive Subdivision Plan – 69 Great Neck Road – David Andrade – Map 41, Lot(s) 1019 – 6 Lot Subdivision**

Motion to open the public hearing by Sam C, Second by Carl S, Vote 5-0-0

Project Manager: Ken Motta

Ken M. states they are proposing a 6-lot subdivision with approximately 550 feet of roadway, fully serviced by electric, telephone, gas, and storm water manage system.



Sewage will be on-site on each lot. Ken M. presents information about Charles R. comments on lot shape factor. Charles R. states there is a report on this project. Ken M. states he has filed with the conservation commission and are in holding until comments from Charles R. are resolved. Charles R. states he did copy them on his comments. Ken M. presents his amended waiver request letter. Changes include information on lot shape factor. Ken M. present an amended subdivision plan. Lot 1 fits a 140-diameter circle on the lot. They are asking for relief from the 150-diameter lot shape factor circle required for that lot. Ken M. states there are no wetland on lot 1 and the portion of the buildable area of the 140-diameter circle is outside of the flood zone. Richard S. asks Ken M. to walk through number 2 on the amended waiver list. Ken M. states the shared driveway on lot 1 that serves the existing lot and 71 great neck road will not serve as a single access for 71 great neck road. Lot 1 will be served by a driveway off the subdivision road. Mike K. asks if there is a house on the existing site. Ken M. states there is a house that will be going away, a garage, and a shed. Aaron S. asks if the applicant submitted a preliminary plan. Richard S. states the timeline will be to give the board to reflect on the plan. Carl S. asks the applicant to point to wetlands on the plan. Ken M. states the closest wetlands are across the street. Carl S. asks if the drainage runs down the road into Onset Avenue. Ken M. confirms this and states there are two existing catch basins along great neck road. Carl S. states he wants to understand how putting the paved surface will impact great neck road and the properties on the other side of great neck road. Ken M. states there are two catch basins in the upper portion of the road. The water will overflow from the leeching pit to the catch basin along great neck road. Ken M. will get a consensus from David Menard. Mike K. asks if lot 6 has enough frontage. Ken M. confirms that lot 6 has enough frontage. Charles R. states that the applicant including the drainage from the roofs into the calculations. The applicant plans to use the existing catch basin as an overflow. It could be a safety issue if the capacity of the basins on great neck road are sufficient. Ken B. wants the board to consider the aesthetics of a catch basin along the road. Will it have the requirement for fences around the basin. Ken M. states they will plant screening vegetation to improve the aesthetics. Carl S. asks if the detention basin is on the property and who will be responsible for maintaining it after the subdivision is built. Ken B. states the HOA will be responsible for maintaining the roadway and stormwater management systems.

#### Public Comment

Joyce Holster states the land directly across from the subdivision is a salt marsh on the backside of Onset Bay. This property is over 5 acres and requires a stormwater pollution permit. Joyce H. states she is concerned about the town taking over responsibility of the proposed basin and road. She asks how wide the infiltration basin is. Ken M. states it is about 40 feet wide. Joyce H. states the area is not suited for a development due to the flooding and worries about drainage in Minot Forest. Joyce H. asks how wide is the proposed road. She believes the catch basin is out of character with the neighborhood. Ken M. states the right of way is 40 feet wide with two ten-foot wide travel lanes.

Christine Michelle requests the aesthetics of the neighborhood are considered in the development of the project. She states she will lose her privacy. She requests a vegetated buffer on lot 4, 5, and 6. Christine M. is concerned that the removal of the trees will hurt the ecosystem and species in the area.

Susan Nelson requests a vegetative buffer be put between her lot and lot 6. She states she is concerned about the species in the area and noise relative to the hours of operation.



Motion to continue the public hearing to January 10, 2022 by Carl S., second by Mike K, Vote 5-0-0

**3. #39-21 Site Plan Review – 59 Main Street – Warren QOBZ, LLC. – Map 47, Lot(s) 1124, 1125, 1126 – 6500sf restaurant, 26x60 pavilion, 1500sf commercial/retail space**

Motion to open the public hearing by Carl S., Second by Sam C., Vote 5-0-0

Applicant Representative/Engineer: Bill Madden

Bill M. states they say submitted an application for site plan review. The site was an old lumberyard and has little development on the site. The site is about an acre and a half. Impervious surface on site is 64%. 70 % is allowed by zoning. Bill M states the site is relatively flat with an elevated landform on the southern portion of the site. The site is located with the AE Flood Zone. An elevation is required to be 17 feet. Lower levels are only allowed for storage. There is an existing side along the water's edge and on the west side of Main Street. Bill M states there was coordination issues with their consultants due to COVID-19. The restaurant is designed to have 150 seats. The pavilion is to be used by the patrons of the restaurants and other visitors. It is an open space element for patrons of the facilities on-site. Parking was not considered because there are no facilities at the pavilion. At the northerly end of the site, a proposed 1200 sf building retail space with a small patio in the front. The site has 46 parking spaces, which is in compliance with zoning and the facilities on the site. A 5-foot wide sidewalk runs along all of the structures. A pea stone trench with a pipe within in it that goes to two infiltration chambers is proposed for stormwater management. Each system has a flow emitters to handle any excess stormwater. Bill M. states because it is a redevelopment site, they do not have to meet all the stormwater management standards. A larger turning radius is located at the northern end of the site because of the increase in traffic from Main Street. The dumpsters are located on the southern portion of the site with 300 ft of space for trash facilities to service the site. Bill M. states the landscaping complies with the zoning by-laws. They intend to maximize the screening at the side of the site that abuts British Landing. Erosion control barriers are located about 10 feet from the water's edge. The height of the building is approximately 40 feet. Construction is intended to be completed in phases with the restaurant first, retail/ice cream shop second and pavilion last.

**Public Comment**

Alan Slavin states this is a piece to redevelop downtown Wareham. This is an important piece to get this done. It is a part of a bigger plan to improve the harbor area, which has not been successful. It will help make the town's financial system sustainable. The town administration is in favor of this project.

Claude Leplante asks about the elevations of the buildings. He asks about the height of the pavilion. Bill M. states he does not have the height of the pavilion yet. He estimates it at approximately 25 feet.

Sherry P. asks if they will be a restaurant only or a restaurant and function hall. Bill M. state sit will be a restaurant. Sherry P. asks if the 2-foot berm will shade the view from British Landing. Bill M. states it will. Sherry P. asks if it will be a chain restaurant. Bill M. states he does not know. Sherry P. asks if the parking will be

limited to this property or shared with Main Street. Bill M. states the parking area is intended to be a private parking area for patrons and employees of the facilities.

Richard S. asks if Charles R. can complete his work by January 10, 2022. Charles R. states he can. Charles R. asks if they will porous pavement. Bill M. states he may use porous pavement for the parking spots but not the driveways. Charles R. asks if there is a lighting plan. Bill M. states he is getting his lighting plan together. Charles R. suggests keeping the lighting subdued from the site. Mike K. is concerned about the parking being suitable for employees and patrons. Jane G. asks if they considered putting parking under the building. Bill M. states it is expensive with fire safety, but it is still a thought. Carl S. is concerned with parking and on street parking is not practical in that area. Carl S. asks about traffic and feels the intersection at Main Street will be a problem.

Motion to continue to January 10, 2022, by Mike K, second by Carl S., Vote 5-0-0

6. **PUBLIC COMMENT ON MASTER PLAN; Updates and New Initiatives**

7. **WPB LIAISON UPDATES**

1. **Solar Bylaw Committee**

8. **STAFF REPORT**

9. **REFERRALS**

10. **MEMBER COMMENTS**

11. **ADJOURNMENT**

Motion to adjourn by Sam C., Second by Mike K., Vote 5-0-0

Approved by Clerk:  \_\_\_\_\_

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

WAREHAM TOWN CLERK  
2022 JUN 21 PM4:15