

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: January 28, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members present: George Barrett, Chairman
Emmanuel Daskalakis
Marc Bianco
Mike King

Also present: Kenneth Buckland, Town Planner
Charles Rowley, Town Engineer

III. PRELIMINARY BUSINESS

A. Meeting Minutes – January 14, 2019

Mr. Daskalakis states there is an incomplete sentence on page 4.

MOTION: Mr. Bianco moves to approve the minutes as amended. Mr. Daskalakis seconds.

VOTE: (4-0-0)

B. ANR – A.D. Makepeace, Co. – Farm to Market Road

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.

This project has a log cabin on the property, in which they are creating a parcel for. This was previously part of a larger tract of land. This is in the R-60 zoning district as well as in the BDOD. They exceed 200' of frontage, and meets all lot size requirements. Mr. Daskalakis asks if it is acceptable that the Morton Building will only be 11' from the lot line. Mr. Madden states a non-residential use allows for a 10' side setback in this zone.

MOTION: Mr. Daskalakis moves to approve the ANR plan as submitted. Mr. King seconds.

VOTE: (4-0-0)

IV. PUBLIC HEARINGS

V. CONTINUED PUBLIC HEARINGS

VI. REFERRALS

A. Site Plan Review – Water Wizz - Parking Expansion

This item is not discussed at this hearing.

B. Special Permit – Trade Roots – Adult Use Marijuana, Production, and Manufacturing

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.
Jesse Pitts, Trade Roots

Mr. Madden states that this is a proposed recreational marijuana facility on 6 Thatcher Lane, which was previously the Navionics building. Trade Roots will be leasing the building. This use is allowed in this district, which is Industrial. The Host Community Agreement has been approved by the Board of the Selectmen, and the public education process has already taken place.

The existing building has about 17,000 square feet. This is essentially a common driveway between the department of agriculture and this site. They are proposing to remove a portion of the parking lot to create room for a new building. The building is already serviced with water, fire, and sewer. There are handicapped parking spaces already on site. There is drainage on the site, which is proposed to be modified to accommodate the new use. There is a wetland boundary on the easterly portion of this site. The applicant is applying through the Conservation Commission.

There is a proposed drop-off area in the front of the building if it were proposed that there be bussing and drop-off in lieu of customer parking. 1,500 square feet of this building will be used for the dispensary area. There is adequate parking on the site, 16 was required but there are 36 on the site. Employee parking is separate on site from customer parking. They were seeking a waiver of the requirement of tree plantings when there are more than 15 consecutive spaces. There are proposed 17 consecutive spaces. They are requesting this waiver due to snow removal processes. There are two handicapped parking spaces proposed.

In the event that a drop-off was not required, one of the handicapped spaces could be utilized for van parking. There is a small addition proposed to the site as well. The site is enveloped in a fence that has gate access separating employee and customer parking.

There is a small rain garden proposed for the parking lot with a group of underground infiltration units to handle the stormwater runoff. It is proposed to flank the driveway with shade trees. The interior of the building will be renovated to accommodate the operation, which has 1,500 square feet of retail, the remainder of the building will be used for processing, and growing. A dumpster on the site is not shown, as they felt it would be better to have a private contractor come in and remove waste.

This site is on Town sewer, the connection is already in the building. Water service is the only service that may potentially require upgrading.

The air system is what is called a VRF system that provides air flow that is conditioned to meet the requirements. Mr. Daskalakis asks if the system is visible from the exterior. Mr. Pitts states that it is visible from the Wood Boat building. Mr. Daskalakis asks if they are required to be screened. Mr. Pitts states there is a tree line between the buildings. Mr. Daskalakis recommends that there may be solid fencing required.

Mr. Daskalakis asks what the material of the building is. Mr. Pitts states that the building is steel. Mr. Daskalakis states he Mr. Madden states there is a section on Industrial Standards in the by-law and believes this building keeps in-kind with the buildings in the industrial park. Mr. Daskalakis states he feels the Board is going to require that they adhere to the by-law. Mr. Daskalakis also states that the building is required to have windows. Mr. Pitts states that in regards to the way the state requirements are written that no windows are allowed in a cultivation facility. Mr. Daskalakis states they can be required to have false windows. Mr. Pitts states he could accommodate those demands.

Mr. Bianco asks Mr. Pitts if he has ever owned a business of this type previously. Mr. Pitts states this was not allowed legally previously in Massachusetts. Mr. Bianco asks when they anticipate the addition to the building. Mr. Pitts states that in two years unless there is a change. Mr. Bianco asks if there is enough power running into the building. Mr. Pitts states this building requires a transformer to be installed, on the west side of the building. The line is not required to be an underground feed. Mr. Bianco asks if the gate into the employee parking is automated. Mr. Pitts states it is. Mr. Bianco asks if the Fire Department has reviewed the plans. Mr. Pitts states they have not yet reviewed the plan at this time.

Mr. Bianco states he would not encourage having the turnaround on the site. Mr. Pitts states the drop-off point was based off of the existing traffic controls with the existing dispensary and an attempt at traffic control. Mr. Barrett states he feels the turnaround is a good idea, especially considering that public transit will be making trips there as well.

This will create 40+ jobs. The lighting on site is proposed to be the lighting is what is on the building.

Mr. Daskalakis asks why the proposed addition is twice the height of the existing building. Mr. Pitts states that this is for cultivation.

Mr. Rowley asks if Mr. Pitts had received a letter of denial from the Building Commissioner. Mr. Pitts states that he has not applied for this yet.

Mr. Buckland states from the Board he heard they are recommending a change to the exterior façade, visual buffer, and windows.

VII. ANY OTHER BUSINESS/DISCUSSION

A. Status of Bay Pointe Phases II and III and Phase IV applications

A note has been received from Bay Pointe asking for a meeting with Charles Rowley and Ken Buckland to review the application they will be submitting. They have not submitted an application as yet.

B. Discussion with Town Moderator on Zoning Articles

Present before the Board: Claire Smith, Town Moderator

Ms. Smith states that at Town Meeting they have attempted to make changes to make Town Meeting go more smoothly. Ms. Smith states she feels that Town Meeting prep is where some of the issues are arising. Ms. Smith states there are a lot of articles being placed on the warrant as placeholders and the Finance Committee does not have enough information to make a recommendation. Ms. Smith has discussed changing the day of the election, so that it is not the first day of Town Meeting, so that the last Monday in April will be the beginning of Town Meeting to give Boards more time. Ms. Smith is asking the Board if this is something they would like to consider.

Mr. Barrett states that he agrees, some items are not prepared well before Town Meeting and they feel rushed and have difficulty defending decisions that they haven't had time to fully review. Ms. Smith also feels they should be able to explain the articles to make voters more comfortable and informed on the decision they're making.

Mr. Buckland states he is in favor of moving the election back, and would also like to see the Planning Board recommendations included in the Warrant. Mr. Barrett feels that the Warrant articles should be posted on the website as well.

This wouldn't take effect until next year.

C. Discussion of Zoning Articles for Spring Town Meeting

a. Redevelopment Overlay

Mr. Swenson from the Redevelopment Authority is before the Board to explain the purpose behind the floating redevelopment overlay district. At the last hearing it was questioned why this overlay district was required to be flexible instead of one solid zone in the map.

Mr. Swenson states this is proposed to be an alternative process to build development in the Town. This is focused mostly on Commercial and Industrial Zones, not for residential, this process can only be used on properties 1 acre or more. This is an alternative process, not a replacement process. This is also a two phase process, a master/concept plan would be submitted to the Planning Board for review, and then a Special Permit application through the Zoning Board of Appeals. Mr. Swenson states this would be to make it easier for businesses to come to Wareham. Mr. Swenson stresses that the ZBA would have to adhere to the Master/Concept plan

that was approved by the Planning Department. Mr. Swenson walks the Board through the proposed process for the Flexible Multi-Use Overlay District. This process would have 65 days for approval.

Mr. Daskalakis states this sounds like a lot to the process. Mr. Swenson states that the best place to start is to hold a public hearing.

Mr. Bianco asks if this is approved how soon someone could apply for this. Mr. Buckland states as soon as it passes in Town Meeting.

Mr. Rowley asks why the proposal has split the approval between the Planning Board and the Zoning Board of Appeals. Mr. Buckland states that is because the Zoning Board of Appeals has the ability to grant relief if it is required in the finer details of the planning process.

Mr. Rowley states that there is only three weeks to come up with a detailed set of criteria for the Board to review the information before Town Meeting.

Mr. Daskalakis asks if there are design standards for this overlay. Mr. Buckland states the design standards are developed uniquely with each project and will be reviewed in the Master Plan process.

Mr. Swenson states he feels the developer should bring forth their design standards to the Board when applying. Mr. Daskalakis states he believes the Planning Board should create the design standards, not the developer.

Mr. Bianco asks if the applicants would be coming in with detailed drawings or concept designs? Mr. Swenson states the developer would be coming in with a concept design initially and they would work on the details throughout the process.

Mr. Bianco is concerned that without consistency they could open themselves up to criticism of being unfair, and also feels that the time frame is too short. Mr. Bianco states if this is approved they should wait a year before hearing any applications on the matter.

Mr. Barrett asks how this is beneficial for the Town and for the developer. Mr. Swenson states that the benefit of this is that having a concept approved and then approving the details afterward would save time and money and will keep the planning and details going in the right direction.

Mr. Bianco feels if there are very direct design standards they could approve a concept plan in the proposed timeline, but without design guidelines it would be difficult to approve a project in this timeline.

Mr. Swenson states he feels that this gives the Planning Board the authority to disapprove a project if it doesn't feel it would be beneficial. Mr. Rowley states that there needs to be a standard for the Planning Board to base a denial on. Mr. Rowley asks who would an appeal go to if it were denied. Mr. Swenson does not know the answer. Mr. Rowley states someone needs to have the answer for these questions to go forward with this. Mr. Swenson states this overlay does

not replace the underlying zoning. Mr. Rowley states then they should be able to do this under zoning and not require an overlay district. Mr. Rowley states that he is also concerned with the idea of splitting the approval process between the Zoning Board and Planning Board. Mr. Rowley doesn't see the benefit of this for the Town since there won't be consistent and cohesive design throughout town. Mr. Rowley doesn't feel there is enough time to include the amount of detail that is required for the Zoning Article.

Mr. Bianco feels this should be on the Fall Town Meeting.

Mr. Daskalakis states he feels there should be a design review committee to review the projects. Mr. Swenson states that is essentially what is being proposed in this overlay district.

Mr. Swenson asks comparing the Zoning By-Laws and Mr. Daskalakis' opinion of design guidelines, what is the difference? Mr. Swenson states there are design guidelines in the Zoning By-Law and is wondering what Mr. Daskalakis feels what is missing. Mr. Daskalakis states that design guidelines refer to scale, how buildings fit in with surrounding structures and topography.

Mr. King asks why this is being pushed for Spring Town Meeting? Mr. Swenson states that the Redevelopment Authority had this as an idea, and had requested the Planning Board to discuss this. Mr. Swenson states that after discussing with the Board and hearing their concerns he doesn't see why it can't be put on fall town meeting if there is agreement to discuss this.

Mr. Bianco states that his concern with this is the design guidelines and the time frame.

Mr. Daskalakis states he feels that the Planning Board should have full control of this.

Mr. Rowley also does not feel they should split the decision of the approval process to ensure consistent approval. Mr. Rowley feels the ZBA would not have the privilege of the discussions regarding the concept approval. Mr. Swenson states he assumed the ZBA would be privy to that knowledge. Mr. King states he doesn't see how that could happen.

Mr. Swenson summarizes his discussion with the Board.

b. Front yard Junk Storage

Mr. Barrett states this by-law is to treat campers, vessels, and trailers the same way motor vehicles are treated. There was a lot of discussion at the last Town Meeting about vessels and other items that do not require registration. Discussion ensues on boats in yards and if they're kept well or unkempt. Mr. Barrett states this is the same verbiage that was sent to further study at last Town Meeting, so either the language needs to change or they need to vote on this.

Mr. Buckland recommends having Mr. Riquinha before the Board to discuss his concerns with this particular by-law.

Mr. Rowley feels that Section 530 is written as this is proposed other than the word 'vessel'.

Mr. Bianco is concerned that some residents only have a front yard. Mr. Rowley states they would qualify for a Variance in that case. Mr. Buckland recommends holding a public hearing on this matter with Mr. Riquinha.

c. Sign By-Law

Mr. Barrett states he believes there was public comment on the 18 hour limitation for one day events.

Mr. Daskalakis states table 1126.1 of Dimensional Standards may be inaccurate. The bottom row says square feet and should just say feet. The middle row should say square feet. Mr. Buckland agrees.

Mr. Barrett proposes that they add language in stating that the Building Commissioner can extend time constraints.

The Board discusses the Verilife sign.

Mr. Bianco does not understand why the Planning Board oversees zoning changes. Mr. Rowley states that is state statute that the Planning Board reviews all zoning amendments.

d. Solar By-Law

Mr. Daskalakis states the last sentence of the proposed solar by-law, the screening on all sides shall obscure from view at least 50%, Mr. Daskalakis states 100% of the project should be screened. Mr. Rowley states that perhaps the project is created and plantings are done in such a way that within 3 years the project is 100% screened.

Mr. Daskalakis states they should not allow any tree removal for solar projects. Currently the proposal is that no more than 50% of the property should be cleared. Mr. Barrett asks if Mr. Daskalakis would consider allowing some clearing if the applicant put some property into Conservation. Mr. King and Mr. Daskalakis state that does not help the abutters. Mr. Rowley states he has seen multiple cases where the applicant is required to protect another piece of woods when they are clearing for a project.

Discussion ensues regarding tree removal and solar arrays.

e. Site Plan Review

Mr. Barrett asks if there should be language in the proposed by-law stating that applicants are encouraged to go through an informal review process. Mr. Daskalakis states that language is in the proposed by-law.

Mr. Rowley notes that in Site Plan Review in the current section it states abutters within 200' will be notified, but should be 300'.

f. Design Guidelines

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.

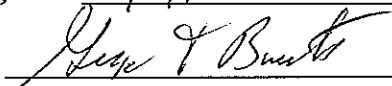
X. ADJOURNMENT

MOTION: Mr. Daskalakis moves to adjourn. Mr. King seconds.

VOTE: (4-0-0)

X. DOCUMENTS

Date signed: 2/25/19 2-0-1

Attest: 
George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: _____