

## **MINUTES OF MEETING OF WAREHAM PLANNING BOARD**

**Date of Meeting: March 26, 2018**

### **I. CALL MEETING TO ORDER**

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

### **II. ROLL CALL**

Members present: George Barrett  
Mike Baptiste, Vice Chair  
Marc Bianco  
John Cronan, Clerk  
Emmanuel Daskalakis

Also present: Charles Rowley

### **III. PRELIMINARY BUSINESS**

- A. Meeting minutes**  
• February 26, 2018

The minutes are not approved at this time.

#### **B. Bay Pointe Bond – Phase I**

Present before the Board: Chris Reynolds, Stonestreet Corporation

Mr. Reynolds states he has had this bond reviewed by Mr. Buckland and Town Attorney Mr. Bowen and they have come to an agreement regarding the amount of the bond. Mr. Barrett asks if there is any documentation to support the bond. Mr. Reynolds states the financial breakdown he provided Mr. Barrett with is an estimate of the work for Phase I. Mr. Reynolds states that the bond amount would be \$690,000.00 which covers the Phase I work and an additional 50%.

Mr. Barrett asks Mr. Rowley if he had reviewed the bond. Mr. Rowley states he has reviewed the bond amount. Mr. Rowley states that the bond needs to state that the Town would be the recipient of the bond if the work is not completed and also that the term of the bond can be renewed automatically so that the bond does not expire. Mr. Rowley states that language is not currently in the bond. Mr. Reynolds states that he used the bond that was provided to him by the Planning Department.

Mr. Bianco asks what the original term of the bond is. Mr. Rowley states that has not been determined yet. Mr. Bianco asks what the timeline on the Phase I work was. Mr. Reynolds believes it is two years conditionally.

Mr. Cronan states that he feels the proposed bond amount is satisfactory as long as the language of the bond is accurate.

**MOTION:** Mr. Bianco moves to approve the Bay Pointe Bond for Phase I, Station One 13+00 through 30+00 and Station Two 0 through 13+00 in the amount of \$695,147.00 which includes a 50% inflation fee. Mr. Barrett states he doesn't believe that the Selectmen are required to approve the bond. Mr. Reynolds states that Mr. Buckland had stated the approval of the Selectmen was required. Mr. Cronan seconds.

**VOTE: (5-0-0)**

**C. Covenant Release – 11 Gault Road**

Present before the Board: Robert Perry

This was a subdivision that was approved in 2004. A road inspection was done in October 2005, a bond release was completed in November of 2005 and a lot release was done in December of 2004. There are letters stating the bond release as well as the road construction being complete. Mr. Barrett states a covenant remains on the property and they are requesting release of the covenant.

**MOTION:** Mr. Baptiste moves to release the covenant for 11 Gault Road. Mr. Cronan seconds.

**VOTE: (5-0-0)**

**IV. PUBLIC HEARINGS**

**V. CONTINUED PUBLIC HEARINGS**

**A. Heidi Dobbins- Morse – Spring Avenue – Special Permit/Site Plan Review**

The applicant has requested a continuance.

**MOTION:** Mr. Cronan moves to continue the public hearing until April 9, 2018. Mr. Baptiste seconds.

**VOTE: (5-0-0)**

**B. 2-18 – Seth Tobey Realty Trust – 16 and 18 Seth F. Tobey Road – Site Plan Review/ Special Permit**

Present before the Board: Robert Chamberlain  
Richard O'Hearn

Mr. Chamberlain states the proposed easement through Wareham Marketplace has been submitted to the Board. The main concern from the last meeting Mr. Chamberlain felt was that the Board did not want a curb cut on Tobey Road. Mr. Chamberlain states they have been in contact with Wareham Marketplace and seem to have come to an agreement to use access from their site and have a written easement document that they are now reviewing with their attorney. Mr. Cronan asks Mr. Rowley if this is a best practice. Mr. Cronan states he was not in favor of the applicant to use access through the Wareham Marketplace property. Mr. Rowley states that this is recommended in certain cases and feels this is appropriate. Mr. Cronan states that he is just concerned that if this use should change it would create complications in the future.

Mr. Bianco asks if the Fire Department has reviewed the revised plans. Mr. O'Hearn states that the Fire Department has not reviewed the revised plans at this time.

Mr. Bianco thanks the applicant for making the effort to work with their abutter to change the access to the site. Mr. Bianco asks if there is a commercial disadvantage to having the access through the Wareham Marketplace site as far as placing of signage. Mr. Chamberlain states there are proposed free standing signs for the site. There is a revised elevation that would request for a sign on the Seth F. Tobey Road side of the building as well.

Mr. Barrett states that he is confused about the loading dock. Mr. Barrett states that it looks as though the loading dock is in the front of the building and will block half the parking and that the delivery truck would need to back into the site. Also, Mr. Barrett states it appears the dumpster is at the front of the building. Mr. Chamberlain states the dumpsters are toward the front of the building. Mr. Chamberlain states that he does not believe the deliveries would block any parking spaces. Mr. Chamberlain states the aisle was increased so parking would be fully accessible during deliveries. Mr. Rowley states that there are 4 or 5 spaces that cars would not be able to get out of if the delivery truck was parked. Mr. Bianco states that condition exists regardless of where the curb cut is placed.

Mr. Bianco states that the empty slab adjacent to Aldi's needs to be kept in consideration now regarding the profile of the building so it does not block this building. Traffic to that building should be considered as well.

Mr. Barrett asks if the building could be moved to the north corner of the lot to allow ease of deliveries. Mr. Chamberlain states that it took multiple drawings to get the building to where it is. To avoid issues with grading, parking spaces, and coverage on the site it would not be feasible to shift the building on the site. Mr. Chamberlain states if the Board would be willing to consider waivers to some of these requirements they could consider moving the building.

Mr. Daskalakis asks if the applicant had considered moving the building closer to the road. Mr. Chamberlain states he does not feel that would ease parking or delivery issues. Mr. Daskalakis states he feels the building would have greater appeal if it were closer to the road.

Mr. Daskalakis is concerned with the access to the site being so close to the curb cut and feels moving the building might lessen traffic congestion. Mr. Chamberlain states he doesn't feel the traffic will be so severe that it will cause concerns with the access to the site.

Mr. Rowley states on of the comments in his review letter is that Mr. Rowley does not know the final grading from Wareham Marketplace to this site and has asked Mr. O'Hearn to do the grading and asked Baxter Nye to give their grading to ensure there isn't spillover from one site to another.

Mr. Rowley points out that the sidewalk narrows at the corner and Mr. Rowley wants to ensure that is ADA accessible. Mr. Chamberlain states that he is not sure if that was the intention of the architect and he will discuss this with him.

Mr. Rowley states he had comments on landscape that needs to be upgraded as well. Mr. Rowley states he also recommended that when the easement documents with Wareham Marketplace are finalized that the Board receive a copy. Mr. Rowley also states that the Board may want to consider revising the Special Permit or Site Plan should the site change use as the traffic requirements might change.

Mr. Bianco recommends that Ken write a letter to the Zoning Board of Appeals requesting a minor modification to the Wareham Marketplace site to allow for the access for Liquor's N' More.

Mr. Barrett states he is confused about the edge of pavement to the road layout. Mr. Barrett states it appears as though there is landscaping until the road. Mr. Rowley states that the curb runs to the road layout and they can loam and seed the area.

Mr. Bianco asks if the paperwork is in place and the Zoning Board of Appeals grants a minor modification for the Wareham Marketplace access, if the applicant could obtain approval at the next public hearing. Mr. Barrett states he will not be present at the next public hearing, but if there is a quorum that they could obtain approval.

Mr. Daskalakis asks if there is a roof plan. Mr. Chamberlain states there is not a roof plan. Mr. Barrett asks if it is a flat roof with a façade. Mr. Chamberlain states it is a flat roof with a façade.

**MOTION: Mr. Cronan moves to continue the public hearing until April 9, 2018. Mr. Bianco seconds.**

**VOTE: (5-0-0)**

## **VI. REFERRALS**

### **A. Woodland Cove – Dakota Properties 40B – referral to Zoning Board of Appeals**

Mr. Barrett states Woodland Cove is a 40B project proposed on Cranberry Highway and Redbrook Road.

Mr. Cronan states there are too many units. Mr. Bianco asks what the impact of the infrastructure would be. Mr. Rowley states that has not been determined yet. Mr. Cronan states it looks as though they're more than 100 parking spaces from meeting the required amount of parking.

Mr. Rowley states they are very short on parking. Mr. Rowley states the applicant had requested 36 full waivers, but have not listed why they need the waiver or cannot meet part of the requirement. Mr. Rowley states they requested a waiver from complete landscaping, but their landscaping plans appear complete.

Mr. Rowley explains that the project would be constructed in three phases. Mr. Rowley states when you look at the number of parking spaces proposed it is well under regulation requirements. Mr. Barrett asks if the lots are there for phasing purposes or if this is a subdivision plan. Mr. Rowley states it is a subdivision plan. Mr. Barrett asks where the frontage is for Lot 3. Mr. Rowley states there is no frontage and the applicant claims they do not need frontage because they are a 40B project. Mr. Cronan states they had stopped previous 40B projects in town due to the fact that the applicant couldn't build on land they didn't own. Mr. Rowley states that the applicant does have the property under a purchase and sales agreement. Mr. Cronan asks if the applicant can request zoning waivers. Mr. Rowley states they can.

Mr. Rowley has asked the applicant to show how they are controlling the groundwater so as not to mix with the Water Protection Overlay District.

Mr. Barrett states that his concerns are that 2 of the 3 lots have inadequate or no frontage. The common area does not convey with the lots. There is not enough parking. The waivers need to be explained. There should be some sort of treatment for stormwater runoff.

Mr. Bianco asks what number of the units are affordable housing. Mr. Rowley states he forgets the numbers. Mr. Bianco asks if only the first phase is constructed if this gets the town close to the 10% of required affordable housing. Mr. Rowley says just Phase I would not get the town close.

**VII. ANY OTHER BUSINESS/DISCUSSION**

**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.

**IX. ADJOURNMENT**

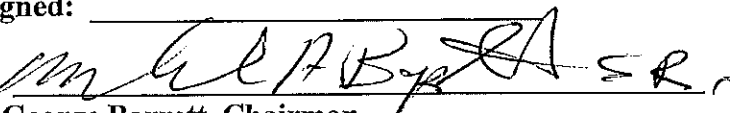
**MOTION: Mr. Baptiste moves to adjourn. Mr. Daskalakis seconds.**

**VOTE: (5-0-0)**

**XII. DOCUMENTS**

**Date signed:** \_\_\_\_\_

**Attest:**

  
George Barrett, Chairman  
WAREHAM PLANNING BOARD

**Date copy sent to Town Clerk:** \_\_\_\_\_

RECEIVED

APR 10 2018

TOWN OF WAREHAM  
TOWN CLERK