

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: Monday, April 8, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Mike Baptiste, Jr.
Marc Bianco
Mike King
Emmanuel Daskalakis

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

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: February 11, 2019

MOTION: Mr. Daskalakis moves to approve the meeting minutes with the change to March 11, 2019.
Mr. Bianco seconds.

VOTE: (5-0-0)

B. 7-9 – Cedar Village Inc. – Old Stage Coach Rd.

Present before the Board: Brian Grady, GAF Engineering
Nazih Elkalassi, Cedar Village
Andrea McKnight, Attorney

The applicants have filed an A&R application for 7-9 and 8-10 Old Stage Coach Rd. to divide the northern lot into two lots and to create an unbuildable parcel by converting existing lot NB-1 (the south lot) into NB-1A and Parcel A. The Board needs documentation proving that Mr. Elkalassi owns the lot and that an easement was issued allowing another dweller to use this property. There is concern about how this process will affect the width of the road and its ability to accommodate emergency vehicles. A discussion on whether or not this process is a sub-division of land under state laws 81-M and 81-P commences.

Ms. McKnight states that the changes to the south lot will not impact the flow of traffic at all. She also provides a strict definition of a lot and explains that an unbuildable parcel would not fall within the definition of a sub-division. Mr. Daskalakis opines that he sees the project as the creation of a lot and that the requirement of suitable access is not met for an A&R to be endorsed. Though the Building Department and the Fire Department approved the plan, the Planning Board does not believe that the plan meets the requirements set forth by the Zoning Bylaws.

Concerns about the condition of the road are also brought forth by the Chairman. Mr. Daskalakis suggests that Charles Rowley, Town Engineer, review the road to which Mr. King and the Chairman agree.

MOTION: Mr. Daskalakis moves for the submission to be denied. Mr. King seconds. Mr. Buckland suggests modifying the decision to say that the plan does not provide suitable width grade or construction.

VOTE: (3-0-1) Mr. Bianco abstains

II. PUBLIC HEARINGS

A. Form C – Ted & Margaret Staples – 0 Broad Street

Present before the Board: Ted Staples
Brian Grady, GAF Engineering

Mr. Staples is seeking renewal for approval of a sub-division for a lot that was originally approved in 2009. The applicant is proposing the same project with minor improvements including the movement of a fire hydrant and the foregoing of building the last third of the sewer system until a proper location for it can be determined based on future development. Two buyers have expressed interest in buying the property within the last five months. Mr. Staples has promised the buyers that he would get the approval renewed.

Two extensions for the project were filed prior to the hearing. However, both of these extensions had expired. The Board informs Mr. Staples that he must repeat the submission process for a sub-division and that a new public hearing will be set.

Present before the Board: Joan Trank

Ms. Trank expressed confusion regarding whether or not additional houses would be built on the property as well as concern about whether or not the natural geography surrounding the property will remain intact. Mr. Grady clarified that only the existing house would remain and that the project would not intrude upon the natural landscape.

Present before the Board: Nancy McHale, Wareham Land Trust

Ms. McHale is the owner of Parcel 105 A-1, a parcel which contains a vernal pool. Ms. McHale cautions the Board to be mindful that any development on the adjacent lot will have an impact on the vernal pool. She seeks clarification for concerns relating to the Land Trust's rights and responsibilities. Ms. McHale also asks about the proposed location of the fire hydrant in relation the original plan. She later asks whether the proposal plans to connect the sewer line through the property which Mr. Staples and Mr. Grady confirm is the plan.

Present before the Board: Susan Mann

Ms. Mann cautions the Board to be careful of box turtles that gather around the area. Mann also expresses mixed feelings on the project; she understands that Mr. Staples has buyers lined up for the property but would prefer to see the area preserved as woodland.

A public hearing for May 13, 2019 at 7:00 P.M. is agreed on by the Board.

III. CONTINUED PUBLIC HEARINGS

A. Special Permit Site Plan – Wareham Retail Management – Tobey Rd.

Applicant has requested an extension until May 13, 2019.

MOTION: Mr. Daskalakis moves for the extension to be accepted to May 13. Motion is seconded.

VOTE: (4-0-0)

B. ZBA Referral 13-19 – Maxi Gas – 2416 Cranberry Highway LLC

Applicant seeks a special permit from the requirements of Article 9, Table 9:21; Article 11, Section 1126; Article 14, Section 1470; and Article 15, Section 1520 of the Wareham Zoning Bylaws to raise a single pump filling station and replace it with a new convenient store and five pump filling stations. However, the Planning Board must review the site plan and approve it before it can go through the ZBA. The Board discusses the site plan in detail.

The Chairman expresses concerns about traffic congestion and access to parking as well as illegal parking on Route 28. The maneuvering of traffic and traffic flow are also concerns of the Board. Additionally, the design of the building is not explicitly detailed in the plan. The possibility of reorienting the lot to provide a path of exit onto Tow Road is discussed.

More details on the plan are needed. A letter will be submitted to the Board of Appeals.

C. Bill Bachant – Beaver Path

As a result of the Home Owner Association's (HOA) dissolution, it has been suggested that Bill Bachant, developer of two homes on Beaver Path, take control of the drainage responsibilities of the HOA through a Drainage Maintenance Agreement. The Board declares that it is Mr. Beshaunt's responsibility to submit a Modification of Approval to make the change official. A future public hearing also needs to be held.

IV. ANY OTHER BUSINESS/DISCUSSIONS

A. Turning Technologies – Electronic Voting

Present before the Board: Claire Smith, Town Moderator

A meeting was held with Turning Technologies to test out electronic voting during fall town meetings. Hearings and other processes will have to be done earlier to convey the needed information to Turning Technologies in preparation for each town meeting.

B. Wareham Planning Board Meeting Times

A discussion on issuing special permits around the 21-day restriction is undertaken by the Board. *Mr. Bianco* suggests conducting meetings on the first and third week of every month instead of the second and fourth week of every month.

C. Cahoon Road

Mr. Rowley was asked to make an inspection on the drainage of Cahoon Road and to review the approved site plans there. He noted that the road was dirt covered and that it did not look like it had been swept when he checked it again. They are going to begin the drainage on Cahoon Road. Mr. Rowley had asked the contractors if they had contacted the fire department, EMS or police department because once holes for catch basins are opened, road access will be blocked. They are on a schedule to work on one catch basin per day. Mr. Rowley will continue to report on the project as progress is made.

Mr. Buckland states that Mr. Rowley has recommended the release of \$20,448 for the work completed plus the contingency of 50% of \$10,224 for the release of \$30,672. This would leave the remaining amount after the current release of \$572,705.15. The release is for work that was completed to the satisfactory of the water department, grinding up stumps in the stump pile, and money on the drainage basins.

MOTION: Mr. Daskalakis motions to approve the release of the \$30,672 bond to the Stone Street Corporation. Motion is seconded.

VOTE: (4-0-0)

Upcoming Hearings:

April 24, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
April 24, 2019	May 22, 2019	#1-19	Special Permit/Variance	Jessica Nassif

Decision Deadlines

May 8, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
May 22, 2019	#1-19	Special Permit/Variance	Jessica Nassif	34 Hammond Street

V. STAFF REPORT

A. Board Roles and Responsibilities

VI. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.

VI. ADJOURNMENT

MOTION: Mr. Daskalakis moves to adjourn the meeting. Motion seconded.

VOTE: (4-0-0)

Date signed: 5/20/19

Attest: _____

WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 16/10/2018 ER

RECEIVED

JUN 06 2019

TOWN OF WAREHAM
TOWN CLERK