

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: January 4, 2016

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: George Barrett, Chairman
 Michael Baptiste
 Michael Fitzgerald
 John Cronan
 Robert Reed

Also Present: Selectman Alan Slavin, BOS Liaison

III. PRELIMINARY BUSINESS

- A. Approve invoice #I30701995 from W.B. Mason in the amount of \$43.86 for office supplies**

Mr. Barrett approved the invoice to be paid.

IV. PUBLIC HEARINGS

There were no public hearings scheduled.

V. CONTINUED PUBLIC HEARINGS

There were no continued public hearings scheduled.

VI. ANY OTHER BUSINESS/DISCUSSION

- A. Discussion of Bay Pointe Club, LLC project decision.**

Present before the Board: Charles Rowley, Engineer/Reviewer

Mr. Barrett asked Mr. Reed if he revised anything. Mr. Reed stated he had revised the covenant, but there is a paragraph missing from the covenant that the Board had wished to be in there. He added that he also made three changes on the Site Plan.

Mr. Barrett stated the paragraph re: phasing on the Site Plan approval looks as though it could be revised. It stated that Phase I will be completed first, but subsequent phases may be

constructed based on market demands and the subsequent phases may be constructed concurrently or in different order. Development shall proceed in good faith and due diligence. Mr. Barrett recalled the previous discussion that the Board wanted to indicate the roadways would be completed before other construction.

Mr. Fitzgerald recalled when the applicant was going to do individual pumping stations at the homes. He stated this was the method of construction phasing they would use. When it was proposed to do a centralized pumping station, they would do construction on the road first.

Mr. Barrett stated Mr. Rowley indicated Bay Pointe Drive should be completed first, which is part of Phase I. He expressed concern that it says "the road may be begun, but is not required to be finished." However, under the approved subdivision application, this is not required. They have the option to continue with the Covenant, which means the lots will not be released until the roads are complete, or they may offer security for completion of the road and not have to wait for the lots to be released.

Mr. Rowley stated it would make sense for the applicant to build the condominiums first since there is already a pump station in place and a line to Onset Avenue that is already in the ground; it would be more cost efficient to the client. If the project disappears after the condominiums are built, he feels they will have good access already established. Mr. Barrett asked if they should also mention the two year time frame to build in the Site Plan.

Mr. Barrett asked if they needed to keep condition #10 mentioning the location and distances of the Fire Department and Police Department from the subdivision. It was decided to leave it in since it was in the decision of the Subdivision Plan.

Mr. Reed referred to the applicants' original proposal concerning the phasing of the project. He stated as it is worded now, it sounds as though they have to perform work on Bay Pointe Road and Cahoon Street, as well as build the units. The way the applicants proposed the wording they said work on Bay Pointe Road and Cahoon Street to serve the units, basically stating if the units are not being built, work on the roads are not necessary. Mr. Reed suggested changing the wording, although it will differ from the wording of the subdivision. Mr. Barrett believes the wording should remain as stated so it reflects the subdivision and enforces the want of the roads being complete. Mr. Reed feels the wording as it is makes it sound as though they are required to construct the units, while the units are immaterial to the Board, the roads are the concern. Mr. Rowley believes with the covenant in place, the applicant would be more likely to finish the roads. Mr. Rowley also mentioned in the subdivision that construct shall conform to the plan and the plan references full reconstruction of Bay Pointe and Cahoon.

Mr. Barrett made three changes to the conditions. He added to 29C "each single family lot" so the as-built plan will show landscaping, driveways, etc., on each single family lot instead of a general plan. Charlie Rowley stated that they will most likely receive a general landscaping plan. Mike Fitzgerald said they could show the hardscape for each lot without issue as the hardscape should not vary.

Mr. Barrett stated he realizes that in condition #33, they will not be able to enforce which road contractors travel on, so he re-worded the statement to be specific toward the road the equipment should be taken on. The Board members concurred.

Mr. Barrett stated he was under the impression there would be a sidewalk from Bay Pointe to Onset Avenue. However, the plan does not reflect this. He stated in condition #39 the sidewalk is not shown.

The Board discussed the two year time frame for the applicant to finish the roads, but the time limit does not apply to the construction of the houses. The phrase "substantial use" came into question by the Board re: what constitutes "substantial use". Mr. Rowley believes if the site grading has been done and foundations have been poured, that falls under substantial use.

Mr. Barrett asked the Board if they should include language about the applicants' ability to apply for a permit extension should they need one. The Board agreed that it should not be mentioned as the applicant may view it as an automatic grant for an extension, but if the Board's requirements change and they apply for an extension they will need to conform to the new requirements and possibly revise their plans. The mention of an extension was left out.

Mr. Barrett mentioned that they are referencing the applicant as Bay Pointe Country Club, LLC. He was wondering if it is a given that it includes their successors as well, or does that need to be mentioned. Mr. Fitzgerald believes the language should not be added into the document. No changes were made.

Mr. Cronan asked Mr. Rowley if the Subdivision and Site Plan seem to conflict each other in any way that may be detrimental. Mr. Rowley replied they do not seem to contain conflicting statements.

Mr. Reed stated that Phase I states the applicant is only required to begin construction on the roads, but are not required to complete them before they begin the subsequent phases. He expressed concern that it may result in complications. He asked if the Board should revise the language to state that the applicant is required to complete Phase I before moving to other phases. Mr. Fitzgerald believes they should not change the language so it reflects language of the Subdivision.

Mr. Cronan asked if the Board should remove condition #34, since the basis of the condition is already covered in condition #4, and the language of condition #34 sounds restrictive. Mr. Barrett and Mr. Fitzgerald believe the condition should remain. It was stated that condition #34 is re-worded to state that Bay Pointe Drive and Cahoon Street need to be completed as part of Phase I, while not requiring the construction of the single family homes in the first phase.

The Board corrected condition #30, changing Cahoon Drive to the correct Cahoon Street.

The Board decides to wait to sign the Site Plan until revisions are made. Mr. Rowley pointed out they would need to change the date before submitting to the Town Clerk.

Mr. Barrett addressed the changes of the covenant, a few dates were revised and the covenant will be submitted to Town Counsel.

MOTION: A motion was made & seconded to grant Site Plan approval according to the conditions and corrections made January 4, 2016 for Bay Pointe Club, LLC.

VOTE: Unanimous (4-1-0)

MOTION: A motion was made & seconded to grant Special Permit approval to Bay Pointe Club, LLC according to said conditions.

VOTE: Unanimous (4-1-0)

VII. NEW BUSINESS

There was no new business at this time.

VIII. CORRESPONDENCE

The Board members reviewed the correspondence.

IX. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 8:50 P.M.

VOTE: Unanimous (5-0-0)

Date signed: 3/28/16 4-0-1

Attest: 
George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 3/30/16