

**TOWN OF WAREHAM
PLANNING BOARD
DECISION**

WAREHAM PLANNING BOARD
2022 JUN 20 10:31

CASE NO.7-22

LANDOWNER: 246 Marion Road, LLC
PETITIONER: 246 Marion Road, LLC
SUBJECT PROPERTY: ASSESSOR'S MAP 56, LOT 1010
REFERENCE: BOOK 48375 PAGE 0098
ADDRESS: 246 Marion Road, Wareham, MA 02571

Following a public hearing opened on April 11, 2022 (continued), May 23, 2022 (continued), and June 13, 2022, the Wareham Planning Board ("Planning Board") (Members Michael King, Carl Schulz, Sam Corbitt, and Jane Gleason) unanimously voted (4-0-0) on June 13, 2022, in exercise of its discretionary powers, to approve the Petition of the above Petitioner for Site Plan Review Approval to expand the driveway and parking lot creating 33 additional spaces, with conditions memorialized in this Decision. The site is located at 246 Marion Road in the MR-30 Zoning District. The project is depicted on plans entitled " Proposed Site Plan at 246 Marion Road, Wareham, Massachusetts" prepared for 246 Marion Road LLC, by JC Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538 dated February 11, 2022 with latest revision date of June 10, 2022.

A. THE BOARD FINDS THE FOLLOWING FACTS:

The proposed work lies within a developed site containing a restaurant and parking lot.

The site is approximately 0.84 ac with 33 proposed parking spaces.

The Property is located within the MR-30 District and is allowable with the issuance of a Site Plan Approval under Article 15 of the Wareham Zoning By-Laws by the Wareham Planning Board.

The surrounding properties are developed with commercial storefronts and residential dwellings.

B. THE GRANTING OF SITE PLAN APPROVAL IS BASED ON THE FOLLOWING CONSIDERATIONS:

1. Protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, and vibration.
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.
3. Adequacy of facilities of handling and disposal of refuse and other production by-products.
4. Protection of environmental features on the site and in adjacent area.

5. Compliance with applicable sections of the Zoning By-Law has been demonstrated.

C. THE GRANTING OF SITE PLAN APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. Proposed Site Plan at 246 Marion Road, Wareham, Massachusetts” prepared for 246 Marion Road LLC, by JC Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538 dated February 11, 2022 with latest revision date of June 10, 2022.
2. The project shall comply with all requirements necessary for obtaining road opening permits for driveways and utilities per standards of the Municipal Maintenance Director.
3. The Planning Board and its Staff shall have access to the project site to ensure that these conditions are complied with.
4. No modification of the site plan or changes in details for construction shall be done without the applicant/owner first presenting a proposal for such modification or changes to the Planning Board for consideration. The Planning Board may determine if changes are insignificant or if such changes require a public hearing. In either case, a modified Special Permit is required and shall be recorded in the Plymouth County Registry of Deeds.
5. During construction, debris shall be removed and disposed of properly, portable toilets shall be provided, work shall be performed between the hours of 7:00am to 5:00pm, and no work shall be done on Sundays or holidays unless approved by the Building Inspector. No stumps or other debris shall be disposed of on site.
6. Applicant shall comply with all bylaws of the Town of Wareham and the approvals and conditions of all Town Boards and Commissions and the Water District.
7. Changes in sewage flow and consequent changes in wastewater disposal required by the Wastewater Treatment Facility must be submitted for consideration for site plan modification.
8. Inspections for site work construction shall require a minimum of 24 hours’ notice prior to the need for backfill or continuation of the work. No such work shall be backfilled or continued without inspection and approval and may require exposing uninspected work for approval if such inspection notice is not received in a timely manner, including the clearing of trees.
9. Inspections of site construction should include but not be limited to the following:
 - a. After limits of work and the hay bale line have been set but before site clearing commences,
 - b. After clearing is complete and high ground water elevations have been confirmed,
 - c. After storm drainage facilities are installed but prior to backfilling,

- d. The pavement cross section shall be fine graded and compacted to a point 6 inches below finish grade prior to placing the 4 inches of dense grade crushed stone.
 - e. After binder course of paving has been placed and before wearing surface is applied,
 - f. Paving of the wearing surface should include a complete cleaning and sweeping of the binder surface and with a complete tack coat of asphalt emulsion is applied to the binder surface by tack equipment. Hand application of emulsion will not be allowed except at joints where old and new pavements abut.
 - g. After final striping of the wearing surface and after landscaping has been completed along with loam and seeding of all disturbed surfaces.
10. No occupancy permit shall be granted until a final site construction inspection has been made with a report to the Planning Board and Director of Inspectional Services that all work has been completed in accordance with the approved plan and Special Permit.
 11. The Planning Board may allow for the issuance of a temporary certificate of occupancy for site work not completed, but only after the submission of appropriate security and time needed to complete the work. The Planning Board shall determine the amount and form of security based on the following information submitted by the applicant/owner:
 - a. Description of work to be completed,
 - b. Estimated cost of work to be completed,
 - c. Amount of time required to complete the work
 12. No temporary certificate of occupancy shall be granted until the final security amount has been submitted and approved by the Planning Board.
 13. The applicant/owner shall request a final inspection in writing to the Planning Board indicating that all site work has been completed in accordance with the approved plans prior to the issuance of a certificate of occupancy by the Inspections Department.
 14. The landscape plantings will be maintained for 2 years in accordance with section 1071 of the Zoning By-Laws.
 15. Lighting will be limited to onsite-directed, shielded fixtures.
 16. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Planning Board.
 17. If substantial use or construction permitted by this Site Plan Review Special Permit has not commenced within two years from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then this Site Plan Review Special Permit shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.

18. Any person aggrieved by this decision of the Planning Board may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk may so certify.
19. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and must bear the certification of the Town Clerk that twenty (20) days have elapsed and no appeals have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board.
20. The Applicant shall confer with the Building Commissioner as to whether a variance for the 100' setback requirement from the driveway to the road entrance requires a variance. If the Building Commissioner determines a variance is required, the Applicant shall appear before the Zoning Board of Appeals to seek required relief.

D. **PLANNING BOARD DECISION:** (yes or no or abstention) if abstaining, appropriate recusal form should accompany decision.


- Final Overall Approval: Compliance with Wareham Town Zoning By-Laws
- Motion: Motion to Approve the Site Plan Review application with Conditions herein

Wareham Planning Board Member 1/Chairperson	Vote:	Yay
Wareham Planning Board Member 2	Vote:	Yay
Wareham Planning Board Member 3	Vote:	Yay
Wareham Planning Board Member 4	Vote:	Yay

We hereby certify that this decision filed with the Town Clerk (and Director of Inspectional Services) on 6-23-22

SIGNATURES:

Submitted By the Wareham Planning Board:



Wareham Planning Board Member 1/Chairperson 6-23-2022
Date

Wareham Planning Board Member 2 Date

Wareham Planning Board Member 3 Date

Wareham Planning Board Member 4 Date

WAREHAM TOWN CLERK
2022 JUN 28 PM 3:15

