



WAREHAM
Massachusetts

**Wareham Planning Board
Special Permit Discrepancy
Escalation Policy**

Date: xx/xx/xxxx

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Special Permit Discrepancy Escalation Policy

Overview

Special permits granted by a Special Permit Granting Authority (SPGA) in Wareham allow property developers to develop their property against plans and specifications that have been approved by the SPGA. Inspections take place to ensure that those plans are followed. In the case of discrepancies found during the development/construction process, it is the goal of the SPGA to resolve any discrepancies with the developer to the satisfaction of both parties.

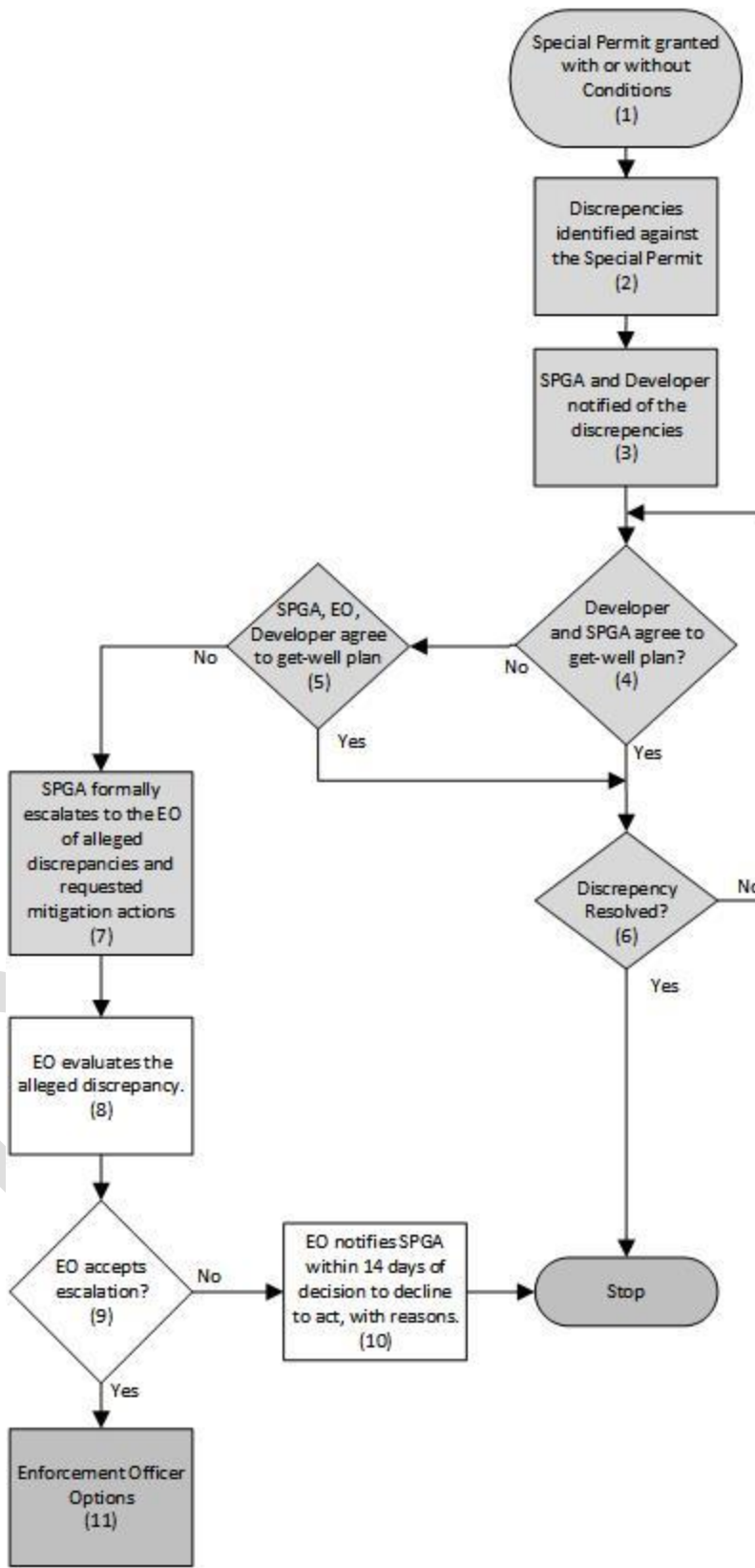
When this proves to be not possible, the SPGA has the option to escalate the issue to the Enforcement Officer, which is a role assigned to the Wareham Building Commissioner.

This escalation process provides guidelines as to how the SPGA, the Enforcement Officer, and the Developer should collaborate to resolve any and all discrepancies.

This escalation process has been established in cooperation with the Enforcement Officer.

FlowChart

The flowchart below attempts to show the proper sequence of actions and decisions in the process of resolving discrepancies brought to the attention of the SPGA, and which the SPGA feels are of such a nature to be corrected.



Explanation of FlowChart steps

Numbered steps below refer to process steps in the flow chart.

1. Special Permits conditions need to be very carefully written, to be specific, measurable, realistic, relevant and time sensitive. If there is an escalation to the Enforcement Officer (EO) regarding permit compliance, the conditions must be 'enforceable'. To that end, the EO may be consulted in the development of those conditions.
Inspection procedures, as documented by the Consulting Town Engineer (CTE), should be attached to all special permits.
2. Discrepancies can be sourced from anywhere, but most often they will be identified by site inspections from the CTE.
3. Once discrepancies are identified, the Developer should be given a chance to rectify the situation and move on. If the discrepancy, in the eyes of the observer, are significant enough, the Special Permit Granting Authority (SPGA) should be made aware of the situation and the plan to resolve.
It is critical that the Developer be made aware of any issues and expected mitigation as early as possible in the process, to give them as much time as possible to rectify the situation. As development continues, it is very possible, if not likely, that correcting identified discrepancies will become more and more difficult and expensive.
4. Get-well plans and execution of same are the goals of all discrepancy situations. Discrepancies are normal and expected, as are get-well plans to resolve them. If the developer and the SPGA/CTE cannot agree to a get-well plan, the SPGA needs to decide if the situation should be escalated to the EO.
5. If the SPGA/CTE and the developer can not agree on a get-well plan, an option, is a joint meeting with the SPGA, EO, and the Developer. This step is not mandatory, but could be effective in negotiating a get-well plan.
6. As get-well plans are executed, the SPGA/CTE has the responsibility to monitor the situation, and determine if the plan is effective, and will achieve the desired results. The SPGA/CTE should always share any concerns with the Developer. The SPGA can escalate to the EO at any time if they feel it is warranted.
7. This is the formal escalation to the EO step. This is a step that should not be taken lightly. The SPGA should formally notify, in writing, the EO of the situation, providing as much detail as possible, and the requested mitigation actions the SPGA feel are necessary.
8. Upon receipt of the formal escalation to the EO, the EO will evaluate the permit conditions, the alleged discrepancies, and the actions taken to date.

9. It is the responsibility of the EO to determine if the alleged discrepancies are valid and justify correction/resolution.
10. If the EO feels that the alleged discrepancies are not valid and do not require further action, the EO will notify the SPGA within 14 days of that decision and the reasons why.
11. Enforcement Officer Options – at this point, the management of any zoning or permit discrepancy is in the hands of the EO, and the EO alone. These options need input from the EO, as I have listed what I think may be some of the options just to get started.
 - i. Stop Work Order
 - ii. Withhold Occupancy Permit until resolution
 - iii. Withhold XXX (for non-occupied projects)
 - iv. Other?

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Escalation Letter Template

The following is a guideline, that should be used for any formal escalation to the Enforcement Officer. It is critical that all possible information be made available, to allow the Enforcement Officer the ability to make a determination as prudently as possible.

It is the goal of the Wareham Planning Board never needs to use this form, and that any and all discrepancies identified can be resolved without this escalation.

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Town of Wareham

Planning Board

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Date: xx/xx/xx

To: Mr. David Riquinha, Wareham Enforcement Officer

Subject: Special Permit ### - Escalation to Enforcement Officer

Mr. Riquinha,

The Wareham Planning Board is formally requesting that you, as the Wareham Zoning Enforcement Officer review Special Permit ###, XXX, for compliance with our zoning laws.

- **Situation:**
- **Concern:**
- **Expected Mitigation:**

If you determine that action is necessary in this situation, the Planning Board would appreciate updates as appropriate. As you know, if you decline to take action, a formal response, with justification is required within 14 days.

Please do not hesitate to reach out to us for any additional information or clarification you require.

We appreciate your help in this matter.

Sincerely,

Chairperson, Wareham Planning Board

Revision History

First Draft – 11/15/21

Updated – 11/18/21

Updated – 1/15/22, simplified flowchart

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