

**TOWN OF WAREHAM**  
**Planning Board Minutes**

Memorial Town Hall  
Lower Level Cafeteria  
54 Marion Road  
7:00 p.m.

September 13, 2010

**I. CALL MEETING TO ORDER**

The Planning Board meeting was called to order at 7:00 p.m. by Chairman Barrett.

**II. ROLL CALL**

Members present:

George T. Barrett, Chairman  
Mary Davey Morley  
Charles Klueber  
Alan Slavin, Clerk  
Mike Fitzgerald, Associate Member

Members absent:

Michael Baptiste, Vice Chairman

John Charbonneau, Town Planner  
Walter Cruz, BOS Liaison

**III. PRELIMINARY BUSINESS**

Chairman Barrett informed the Board that there were no Minutes to be approved by the Board. No action was taken.

Chairman Barrett informed the Board that the continued public hearing for "Best Friends Preschool" located at 237 Sandwich Road, has requested to continue the public hearing until November 8, 2010. Chairman Barrett stated that due to the length of this continued public hearing he would ask that the Town Planner send out another mailing and put on the local television station. Alan Slavin asked that the Historical Commission be notified as well in regard to the demo permit. Town Planner John Charbonneau stated that he would follow up on this and find out/verify if there is a demo permit. Chairman Barrett would like an extension of the Site Plan Review.

**IV. PUBLIC HEARINGS**

There were no public hearings scheduled. No action was taken.

**V. CONTINUED PUBLIC HEARINGS**

**VI. TOWN PLANNERS REPORT**

Town Planner John Charbonneau said that the first item is that the Open Space Committee is seeking a letter of support from the Planning Board for the Open Space and Recreation Draft, of which, has been sent to the State. There is a punch list of things that they need to provide and letters of support from various Boards and Committees is one of them and they are waiting for a letter of support from the Planning Board. The Town Planner will, with support from the Board, draft a letter of support.

Motion made to forward a letter of approval for Open Space by Mary Davey Morley and seconded by Charles Klueber. No further discussion.

Vote: Unanimous (3-0-1) Alan Slavin abstained.

The CPC is looking for a letter from the Board to officially designate Chairman Barrett as a Liaison to the CPC Committee. The Town Planner will, with support from the Board, draft a letter to CPC. The Board agreed unanimously to have the Town Planner draft a letter to the CPC.

The State is going to have Wal-Mart do a full Environmental Impact Report on the proposed site, they have to go to the Board of Selectmen to get their license/permit to tie into the sewer because that is the first thing that they need to do. Discussion ensued.

The Town Planner spoke to Town Counsel and the Town Administrator in regard to the acceptance of Bethel Way. Even though there is a Town Warrant Article to accept Bethel Way, Town Counsel will be sending correspondence to me this week, a punch list of things and procedures that need to be followed in order to get that accepted by the Town. Even though the Town voted to accept Bethel Way, they did not go through the proper steps; they did not present the layout to the Board of Selectmen first, which the Board of Selectmen could approve so the vote was \_\_\_\_\_. It is on the Town Meeting Warrant, however, there are additional things that need to be completed.

**VII. ANY OTHER BUSINESS/DISCUSSION**

Rock Marsh Subdivision – Chairman Barrett asked if there was anyone present and there was not. There is a proposed Article on the Warrant; however, the Warrant was not available. Chairman Barrett said that he did not see the wording of the proposed Article and asked if they had asked for betterment. The Town Planner informed the Board that he has not seen the Warrant but that he did go out on a site visit today. Chairman Barrett stated that once the Board reviews the Article, the Board will know how to direct their support accordingly.

Maple Grove Subdivision – Mr. Konish was present for discussion. Mr. Konish informed the Board that he does not have the money to finish the road. Mr. Konish does not have an account with any paving company and he is not able to obtain one right now. Chairman Barrett replied that he is looking at a minimum of two weeks once the bond is released, the Treasurer could have a check ready. The Town Planner asked what the estimate was. Mr. Konish gave the Board copies of the estimate. The Town Planner said that he spoke with the Town Administrator and Town Counsel about potential options for the performance bond funding and the legality of releasing the funds to the Town to work with the applicant to have the road completed. Mr. Konish said that this was a last resort if there is no way to get a paving company to do this, he would need a letter saying that if he got them to pave that the Board would release the money for paving. Chairman Barrett indicated that they can only release the money to him (Mr. Konish) so if you pick a paving contractor, you could make an arrangement with the Treasurer to release it to you and the paving company to give them a level of comfort. Mr. Konish asked what if he could get a letter from Mark Gifford stating that once the paving was finished and inspected, that letter would go to the Treasurer and then the Treasurer would release that the road meets satisfaction. Chairman Barrett said that he believes that the Treasurer would only release the money to Mr. Konish because that is who the money belongs to. The Town Planner indicated that the performance bond balance is \$35,820.00 to date and he got an estimate of \$37,650.00 and does that include the patching of the binder course. Mr. Konish stated yes. The Town Planner said that the as-built needed to be done after that. Mr. Konish informed the Board that the only other thing he needs to get is the rings for the risers for the manholes. Alan Slavin asked what type of bond and the Town Planner answered a cash bond. Mr. Konish told the Board that the as-built is 100% done except for the centerline of the road. The Town Planner asked Mr. Konish to check the catch basins and make sure they are cleaned out. Mr. Konish indicated that he was out there with Mark Gifford recently. The Town Planner told the Board that once the roadway, utilities, sidewalk and curbing are all in, the as-built submitted and the road is completed and inspected and approved, the Board could possibly release the entire bond. The Town Planner asked the Board if they would like him to follow up with the Town Treasurer and the Board indicated yes. The Town Planner asked Mr. Konish to provide a copy of the paperwork to the office so that this becomes part of the property file. Mr. Konish gave him his copy. The Town Planner will ascertain the process with Town Counsel, Mark Gifford and Town Treasurer before the monies would be released.

Motion made to approve the release of the bond for Maple Grove Subdivision pending the approval of Mark Gifford as to meeting all criteria and the Town Treasurer of the process and Town Counsel made by Mary Davey Morley and seconded by Alan Slavin. No further discussion.

Vote: Unanimous (4-0-0).

Note: Before the paving process, make sure the pins and bounds are to the Director of Municipal Maintenance and the Subdivision Rules and Regulations per Chairman Barrett.

The Town Planner also informed the Board that the Land Donation of the parcel of Maple Grove Subdivision has been sent to Town Counsel so that the Conservation Commission can accept that parcel.

Form A – Charles Rowley & Associates – The Town Planner told the Board that this was not formally on the agenda; however, the Town Planner indicated that the Board could take this under advisement and place it on the next agenda because the Board has 21 days to review and render a decision. Mr. Rowley told the Board that he had called Brenda on this Form A last Tuesday and asked to be put on the agenda. The Board reviewed the Form A plan and discussion ensued.

Oakdale Heights, Whispering Pines - Phase II and Cranes Landing were discussed briefly and the Board members were updated by the Town Planner.

## **VII. WORKSHOP ITEMS**

Beach Access – Discussion amongst Board members.

The Town Planner informed the Board that today, with Matt Underhill's assistance, under other links, he had the Wal-Mart ENF and that he was sent the 25% Design Plans and Right of Way plans on the Rte 6 and 28 and asked the Board members to review.

Chairman Barrett asked the Town Planner to check on the McCarthy property on Cranberry Highway for drainage and ditch issues with the Conservation Administrator.

Sign By-Law – Chairman Barrett wants to get started on this issue and has looked at Bourne and Framingham bylaws and would like to further discuss changes to the existing bylaw. The 120 SF in the existing bylaw has always been an issue, is it for one side or both sides, discussion ensued in regard to the existing signs on Rte 28 and how to make them adhere to the bylaw.

Master Plan – This has been assigned to the Town Planner and he indicated to the Board that he wants to get through Town Meeting and then he wants to potentially see if the Board of Selectmen has an interest in reactivating the Master Plan Committee and Subcommittees as well. Member Charles Klueber has asked the Board to follow the Master Plan as well as the Subdivision Rules and Regulations and Zoning Bylaws for compliance.

SRPEDD – Chairman Barrett indicated that he has been the Commissioner in lieu of a Town Planner for the past couple of years and asked the Town Planner if he wanted to assume this responsibility. The Town Planner said that he would if the Chairman and Board desire him to do so.

Mitigation for proposed Wal-Mart in West Wareham – Chairman Barrett indicated that Wal-Mart may have to go to a full layout width on the side of the road (on their side only)

Mary Davey Morley asked about the Cape Cod Cranberry Grower's Association and if the Town would pay for this. Discussion ensued.

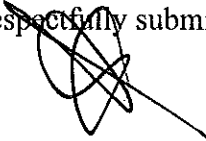
## **VIII. CORRESPONDENCE**

The Board reviewed all miscellaneous correspondence in the packettes.

**VIII. ADJOURNMENT**

Motion to adjourn at the meeting at 8:10 p.m. was made by Mary Davey Morley and seconded by Charles Klueber.

Respectfully submitted,



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Alan Slavin, Clerk

*to: Town Clerk 11-23-10 (b/s)*

Received by Town Clerk

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Date