

WAREHAM PLANNING BOARD MINUTES

Monday, November 8, 2010

7:00 p.m.

Memorial Town Hall

Lower Level Cafeteria

Wareham, MA

Members present:

George T. Barrett, Chairman
Mike Baptiste, Vice Chairman
Charles Klueber
Mary Davey Morley
Mike Fitzgerald, Associate Member

Town Planner John Charbonneau

Members absent:

Alan Slavin, Clerk

CALL MEETING TO ORDER:

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

PRELIMINARY BUSINESS:

There were no Minutes to be approved.

A Form A (Approval Not Required) plan was submitted to the Board for property known as 4 & 6 South Water Street by J.C. Engineering, Inc. Mr. Churchill distributed plans to the Board for review. Town Planner Charbonneau informed the Board that the purpose of the plan proposal is if you look at the existing dwelling (#4) on the left hand side or on the south property line labeled as Parcel A, which contains 177 s.f., it seems like a land swap, you have a triangle of land along the road being swapped for a triangle of land at the rear property line and if you look at the former lot line it seems to go through the corner of the house, so the purpose is to get that lot line off of the corner of the house and give some space where there used to be a ramp or deck or stairway located there. Mr. Churchill indicated that there was a handicap ramp there that when the owner realized it was on another property, they moved it, however, the land swap is 177 s.f., the exact same square footage, so, neither new lot will be non-conforming. Both lots meet the 50' required frontage so the frontage is not decreasing below the standards and basically the former lot line almost went through in order for them to get to their back yard. Mr. Churchill indicated that on that side of the house they would be encroaching another property and it gives a little more frontage to put a driveway in front of the house. There was a "clean up" of a 1900 plan on file and the Onset Avenue taking, there was a few things that have been done over on Sycamore Street and Onset Avenue that this plan will actually clean up previous plans of record. Mike Baptiste asked Mr. Churchill to clarify

that this has nothing to do with existing dwelling(s), (#152) and (#152A) and that they are on the same lot correct? "Yes", Mr. Churchill answered, they are on the same lot.

A Motion was made to endorse the plans by Mike Baptiste.

The Motion was seconded by Charles Klueber.

Vote: Unanimous (4-0-0).

A Form A (Approval Not Required) plan was submitted for property known as #13 Old Glen Charlie Road by J.C. Engineering, Inc. Town Planner Charbonneau explained to the Board that on Old Glen Charlie Road, it appears that the lot line is being relocated so that the leaching facilities shown is included on the same lot as the house. Mr. Churchill said, and the driveway, as well, yes. Mr. Churchill said that what we have here is basically two dwellings and a garage, the two dwellings and the garage are all on their own separate lots and on the plan, the dark old lines represent the new lot lines and the solid lines is the former Lot(s) 1098 & 1099 and 1100 are essentially the original lot lines. What we are doing is the dwelling on Lot 1099 actually had no frontage where the garage had the frontage on Old Glen Charlie Road, so we combined the garage and the dwelling to give the dwelling frontage and we relocated the lot line to give land area from Lot 1099 so that Lot 1100 now has the driveway and ----- on its own lot. It is a shared driveway, we are going to create an access easement over Lot 1099A so that we don't have to make another curb cut. Discussion ensued by Board members and the Town Planner in reference to the submitted plan.

Motion to endorse the plan was made by Mike Baptiste.

The Motion was seconded by Mary Davey Morley.

Vote: Unanimous (4-0-0)

A Form A (Approval Not Required) plan for the property located at #8 & #10 Fannies Lane was submitted by G.A.F. Engineering, Inc. Mr. Glen Amaral was present to represent the applicant. Mr. Amaral told the Board that what they are trying to do is on Lot #1, is redefining the lot lines, Lot #2 and Lot #3, Lot #3 is a pie-shaped lot, we are taking that lot and the adjacent lot and slicing it in half so that we have more usable area. If you look at the pie-shaped piece, the north part of it, you really could not use it, and it comes into a narrow point. So, we are balancing the areas out more or less with a few hundred square feet and there are two existing dwellings and the applicant is proposing to raze those and reconstruct new dwellings. Lot #1 is an existing lot and it does have a house on it and the only intent is to define the boundary lines. We are trying to clean up some of the gaps and overlaps. Town Planner Charbonneau referred to #10 Fannies Lane and asked Mr. Amaral where did #10 Fannies Lane derive its frontage before this. Mr. Amaral said it was through the private right of way. A lot of the access(es) for the property were not described in the deeds, although it was there by implication and description that they had rights to go across it to get to the back. I am showing that there a 15' proposed easement there so that when deeds are written the language is there for rights of ways. Town Planner Charbonneau asked how #8 Fannies Lane will get its frontage. Mr. Amaral stated it does not have frontage, per say, but it will have the defined 15' right of way. Mike Baptiste asked about the road to the steep bank and if it was still a deeded right of way. The existing houses shown on the plan do not have frontage, per say, but they are existing and we are just redefining the lot lines, we are not

changing the fact that they did not have frontage on a way created under the subdivision control or a way created by the town so the access that they enjoy will be the same access that they have always had. The attempt is to redefine the shape of the lots so that there is more usable space rather than the pie-shape space. These lots pre date zoning. There are four lots that are serviced by Fannies Lane, it was all family owned and they all had deeded rights. Discussion ensued among the Board members and the Town Planner regarding the Approval Not Required (proposed) plan and conforming with the time limitations, lot reconfiguration and frontage. The Town Planner suggested to the Board that he would get a legal opinion from Town Counsel if the Board did not feel comfortable endorsing the plan. Furthermore, and, that the board was within the 21-day time limitation. Chairman Barrett asked the Board what was their pleasure. Mary Davey Morley said that she would like a legal opinion.

Motion was made by Mary Davey Morley to seek legal opinion from Town Counsel. The Motion was seconded by Mike Baptiste.

Vote: Unanimous (4-0-0) to seek a legal opinion from Town Counsel and put this Form A on the November 22, 2010 meeting agenda, per Town Planner John Charbonneau.

A Site Plan and Special Permit application for property known as 2554 Cranberry Highway, c/o Charles Rowley & Associates, is for a recommendation from the Planning Board to give to the Zoning Board of Appeals. The public hearing will be scheduled for a future date with the Zoning Board of Appeals, who will act as the SPGA. Mr. Rowley was present and represented the applicant, Mr. Rowley indicated that the proposed plan shows a 4000 s.f. building, parking located in the front with 5 or 6 spaces, parking on the side and parking in the rear, there is storm drainage out to the corner and going into an infiltration structure. The tree line shown is between the Wareham Fire District property and the actual lot. Mike Baptiste asked where the curb cut would be and Mr. Rowley said that the applicant would have to apply to the State. The lot will have a substantial amount of fill going in so that they can level it off and so that the building will be up at the existing street level and then once the fill is up there and application is made for the curb cut, the guard rail will be removed because it will not be needed.

Chairman George Barrett said that there is a drainage structure there, a culvert. Mr. Rowley said its right on the corner of the existing lot and it is right on the corner of the lot and it can stay there. Mary Davey Morley asked if trees would be left in the front. Mr. Rowley said that the trees in the front would be left and some landscaping and that there is a landscaping plan for review by the SPGA. Mr. Rowley explained the drainage criteria to the Board and advised that there is a picture of the building, some screening and on the slope shown on the plan there would be landscaping and a fence for security. There will be UPS delivery, the handicapped parking spots are shown and parking is minimized in the front but there is also parking space in the rear and on the side. There are 11 x 17 plans, the Impact Statement is attached to the application, per Mr. Rowley. The Town Planner advised the Board members that he would review the plans, discuss this again on November 22, 2010 and, if there are any comments, he would get them to the Zoning Board of Appeals. Chairman Barrett announced that for the record, he is an elected official at Wareham Fire District, so he will not be making any recommendations and he will also not be at the November 22, 2010 Planning Board meeting.

CONTINUED PUBLIC HEARINGS:

The continued public hearing for 237 Sandwich Road, for the proposed “Best Friends Preschool” and c/o J.C. Engineering was opened back up for additional information and comments. Mr. John Churchill was present to represent the applicant. There is a letter in response to Hancock Associates (the Towns Consulting Engineers) comments from Mr. Churchill for the Boards review. Mary Davey Morley asked what happened with the existing dwelling and the Historical Commission in regard to the demo. Mr. Churchill answered that there is a resident interested in the property to take it off of the foundation and move it off site. The Conservation Commission has approved the plans that the Board has in front of them. This was a property that was subdivided into three lots and the person who bought the property is now constructing a day care facility on the property. Mary Davey Morley asked Mr. Churchill about the letter dated October 25, 2010, and asked him to clarify, you did or did not send this letter to Hancock Associates. Mr. Churchill answered that he did send this letter to Hancock Associates, however, Hancock Associates was told not to review it due to escalated fees according to Brenda Sampson, Department Assistant. Mr. Churchill brought some of the comments to the Boards attention, however, the Town Planner suggested that the Board allow him to review the plan prior to closing the public hearing and he would have a letter prepared for the November 22, 2010 meeting. The Board absolutely agreed.

Mr. Churchill said the plans were slightly changed from the last review due to both Conservation Commission and Fire Department concerns. Mary Davey Morley asked Mr. Churchill what you would be seeing from the road with this landscape plan, is it going to be screened, are there low shrubs, etc.

Mr. Churchill replied that you would see the existing trees, rhododendrons and the proposed day care is pretty far off of the road, more so than you would want to be if you were a commercial building. Chairman Barrett indicated its almost 200 ft back from the road. That is, because of the use, as a day care facility, answered Mr. Churchill. Also, if the applicant needs a variance, an offset, as indicated in Section 931 in the zoning bylaws, then he would need to go before the Zoning Board of Appeals. Mr. Fitzgerald said that the concern is queueing cars, two cars coming out one from the parking lot and one from ----- they start to come out and traffic is on the main road already and when they see each other come out at the same time and someone panics and stops and now you have a huge major intersection collision. So, by offsetting it 100 ft, Hancock Associates may feel that there is a better chance of someone not panicking and pulling out onto the main road. Mike Fitzgerald stated that the parking requirement is for 57 spaces, the plan shows 50 parking spaces plus 3 handicap spaces and a drop-off area. The Board members discussed that the plan also shows 16 employee parking spaces, the night activities such as parent-teacher conferences would be on different nights and different times. The drop-off area should/could show that there is enough room for 3-4 vehicles. Mike Baptiste said he did not think the Fire Department would like that. Town Planner John Charbonneau suggested that in order to meet the criteria for parking spaces, Mr. Churchill may want to add “future parking spaces” to the plan. Discussion ensued. Mr. Churchill informed the Town Planner that the changes made to the plans were not distributed to the Fire Department. The building was moved 3’ to address the Conservation Commission concerns. Chairman Barrett asked if there were any additional

comments made by the concerned abutter. Mr. Churchill answered that he has addressed the neighbors concerns.

Chairman Barrett informed the Board that he would not be present at the November 22, 2010 meeting, however, this continued public hearing could be put on the December 13, 2010 agenda.

A Motion was made to continue the continued public hearing to December 13, 2010 by --
-----.

Motion seconded by -----.

Vote: -----.

ANY OTHER BUSINESS/DISCUSSION:

Standard Repair – 2786 & 2788 Cranberry Highway – the Town Planner informed the Board that he has been out on a site visit and sent a letter to the owner of the property stating that the landscaping was unacceptable and the bond would not be released until a final review was done by Hancock Associates. Mike Baptiste asked if the buffer landscape was planted in the back along the fence. The Town Planner suggested that when decisions are written in the future, you could condition the occupancy permit with things such as this. Mike Baptiste said that what makes it tough is the Board has no one to enforce the conditions of the Site Plan. Chairman Barrett suggested issuing a temporary certificate of occupancy and then return to the Board after six months.

Maple Grove subdivision – Mike Baptiste asked the Town Planner about the status of the road not being done yet and it is now November.

Form N and Inspections Policy – Chairman Barrett thought the Board did attempt, to a degree, to identify how many inspections needed to happen and by who. Mike Baptiste said this is becoming a problem already and this is/has to be addressed.

Motion to adjourn made by Mike Baptiste.

Motion seconded by Charles Klueber.

Meeting adjourned at 8:45 p.m.


Attest

Alan Slavin, Clerk
WAREHAM PLANNING BOARD

Date minutes approved: 11-22-10

Date copy sent to Town Clerk: 11-23-10-(b/s)