

TOWN OF WAREHAM - PLANNING BOARD
Memorial Town Hall
54 Marion Road
Lower Level Cafeteria
Wareham, MA 02571

PLANNING BOARD MEETING MINUTES

Date of meeting: April 11, 2011

CALL MEETING TO ORDER

Meeting opened at 7:25 p.m. by Pro Temp Michael Baptiste.

ROLL CALL

Members present:

Charles Klueber

Mary Davey Morley

Michael Baptiste

John M. Charbonneau, Town Planner - present

Members absent:

George T. Barrett

Alan Slavin

Board of Selectman liasion:

Walter Cruz - absent

PRELIMINARY BUSINESS:

Minutes: January 10, 2011 & February 15, 2011

The Minutes were tabled by the Board.

Form A – ANR plan – Main Street – Map 88, Lot 1007A - c/o Sequin;

The applicant informed the Board that the subject property is located under the railroad bridge, there is a pond on right hand side. The Conservation Administrator, David Pichette has no issues because there is no creation of a lot. There are two existing lots, the applicant is asking for a waiver because of the lot shape factor.

Mike Baptiste asked if the land is scheduled to be developed.

John Charbonneau, Town Planner, advised that the Board can grant a waiver if the applicant proves a hardship. Discussion ensued.

John Charbonneau, Town Planner, advised the Board that there has to be some kind of rationale or hardship as to why the regulations cannot be met and the other stipulation of a waiver is if it can be granted without a detrimental impact if the Board doesn't feel it derogates from the intent of zoning. These are the two factors that you consider, but it is the Boards purview to say that you believe that they can meet the requirements and to deny the waiver based on that and deny the Form A (ANR plan) based on that.

Mary Davey Morley said that she would like to see the Subdivision Rules and Regulations and indicated that the Rules and Regulations have not changed in a number of years.

Mike Baptiste said that the Board has always stayed away from granting waivers on Form A's (ANR plans) because you cannot condition them.

The applicant asked for a continuance to revise the plan.

John Charbonneau, Town Planner, answered, "Absolutely, you can grant an extension."

Mike Baptiste informed the applicant that, you can withdraw without prejudice and come back at another time.

John Charbonneau, Town Planner, then advised the applicant that you do not need an extension, the Board can waive the filing fee and you can come back with a revised plan and the next regularly scheduled meeting is on May 9, 2011.

John Charbonneau, Town Planner, stated for the record, the applicant is withdrawing without prejudice based on the Boards conversation and when the applicant comes back before the Board, they can waive the filing fee. The applicant agreed to revise the plan and come back to the Board on May 9, 2011.

Form B – 74 Burgess Point Road – c/o Braman Surveying & Associates;

John Charbonneau, Town Planner, informed the Board that this is a Form B (preliminary subdivision plan) located on Burgess Point Road. This is the Form b that came before the Board previously by Rob Braman and Kevin Meehan. The Board asked for a clarification from Town Counsel because it was a 2-2 vote as far as whether or not to approve the Form B (preliminary plan). After speaking to Town Counsel, Mike Baptiste's objections (at the time) were confirmed.

According to Town Counsel, there was a variance granted by the Zoning Board of Appeals allowing for only one house on that property and that was the condition of that variance being granted. As long as that house is in existence, on that lot, the variance applies and all conditions of the variance. The only way that would go away is if the house was demolished or if ~~that residential~~ ----- was moved off the lot. It is clear that the recommendation would be to deny the Form B (preliminary plan) at this time, given what was presented to the Board.

Mike Baptiste asked the Board if they had any questions.

Motion made to deny the Form B (preliminary application plan) for 74 Burgess Point Road, c/o Braman Surveying Associates made by Mary Davey Morley.

The Motion to deny was seconded by Charles Klueber.

Vote – Unanimous (3-0-0).

Discussion - Modification proposed to the Rosebrook development – Phil Cordeiro from Allen and Major Associates indicated to the Board that this is the Rosebrook Subdivision approved last January, creating Rosebrook Way, formerly known as Lou Avenue and Road A to be named later. As we move through the process with MA DOT for the connection to Cranberry Highway, there is a no-access

portion line that we were seeking to alter in what was filed with the Board last year.

John Charbonneau, Town Planner asked if this is just an enlargement of what you are showing. The applicant stated that when we went through the permitting process with MA DOT, they did not let us break that no-access line, so, what we have had to do is to twist the road towards the east to make sure we stay out of that no-access portion and still maintain the road coming thru.

Mike Baptiste stated that the State has a regulation that 300' from the ramp can have no access and if you notice across the street, that curbcut, when it was put in, it was 311' to qualify for the legal curbcut, but anything else you cannot do it unless it is existing and since that isn't a state layout and state controlled, basically, it isn't considered a minor modification because we have no say in that, because it is within State jurisdiction.

Phil Cordeiro informed the Board that this change is due to DOT, there was a change that carries up to the State radii work and clearances.

John Charbonneau, Town Planner, told the Board that Mr. Cordeiro had come into the office and that they discussed whether or not the Board had to sign off on this, however, we thought it was a good idea for him to come before the Board to let you know what was happening.

Discussion ensued regarding the roadway, curves and cemetery location.

Phil Cordeiro stated that this was one change and that he wanted to talk about another change that was made and is internal. This is on Road A, of which, is highlighted on Road A, there is an existing pocket of trees that once we started construction and started seeing the clearing, we wanted to keep some additional trees so we are looking to skew this road further south about 60' away from those trees to keep that pocket here (as shown on plan to Board members).

Mike Baptiste asked if that would encroach on the bogs and Phil Cordeiro indicated it would not and that in the approved subdivision there is an emergency access roadway, it is going to sit right on top of where that access roadway is.

John Charbonneau stated that, my opinion, is that, this is beneficial to the Town, that this change be made.

Mary Davey Morley asked if the applicant if he was building on the emergency access roadway.

John Charbonneau, Town Planner, read a letter into the record received from Alan Slavin who could not attend the meeting. "On the issue of this change at Lou Avenue, I feel this change should be a minor modification by the Board and due to a conflict within the Wareham Fire District Annual Meeting, he (Mr. Slavin) would be unable to attend tonight's meeting, so, he would like to weigh in the fact that he would consider this a minor modification and not necessitate an 81W, which is, reopening up a public hearing on the subject.

Mary Davey Morley said, "So this will actually feel like you are on a road and not a driveway."

Charles Klueber expressed concern and asked if this is the only emergency access.

Phil Cordeiro answered, "No, this will be a full built road whenever it gets built and it is 28' in pavement and width and will not feel like a driveway."

Charles Klueber expressed concern and has issues with the curves in the road, and emergency access.

Motion to approve as a minor modification was made by Mary Davey Morley.

The motion was seconded by Charles Klueber.

Vote: Unanimous (3-0-0)

Discussion: John Charbonneau, Town Planner, requested that he would like a copy of the DOT communication and revised plans reflecting the change, it does not need an endorsement of the Board.

PUBLIC HEARINGS:

Town Planner, John Charbonneau informed the Board that the applicant would prefer to open the public hearing and continue, without testimony, to the meeting of May 9th at the same time and same place. The applicant would prefer to have a full Board (in attendance) for the public hearing.

Mike Baptiste read the public hearing ad into the record.

Motion to open the public hearing made by Mary Davey Morley. The Motion was seconded by Charles Klueber.

Vote: Unanimous (3-0-0).

Motion to close the public hearing and continue to May 9th at the same time and place made by Mary Davey Morley. The Motion was seconded by Charles Klueber.

Vote: Unanimous (3-0-0).

CONTINUED PUBLIC HEARINGS:

None scheduled, no action.

ANY OTHER BUSINESS/DISCUSSION

John Charbonneau asked the Board if he could take something out of order on the agenda regarding the advertising costs/public hearing notices - the Town Planner discussed options of the legal advertisements and costs affiliated with local newspapers relative to the Planning Board advertisements.

Charles Klueber asked if is this an administrative thing or would this be up to each Board or Committee to decide.

John Charbonneau, Town Planner, pointed out that flexibility, accommodation, cost affiliated and all public hearing notice publishing dates with the local newspapers is vital for the community to inform the public. This was not an administrative thing, this is something the Town Planner has reviewed and discussion ensued amongst Board members.

The Planning Board public hearing scheduled for April 19th is a special meeting to have a public hearing for Article 41 on the Town Meeting Warrant. This is regarding a repeal of the Wind Tower ByLaw. There was no discussion.

Release of 53G account funds for SAV Associates – this agenda item was put off to another date due to the audit.

May 17, 2011, Tuesday, is scheduled for a continued joint public hearing for the proposed West Wareham Walmart. John Charbonneau, Town Planner, would like to reschedule this because the Board of Selectmen meets on Tuesdays and asked if members would be free to meet on Monday, May 2, 2011. The Town Planner will let the Boards know via email and this does not have to be readvertised because it was continued to a date that was, unfortunately, a Holiday and as long as we send out notice to all parties in interest, the abutters, of the change, then we will be covered. The Town Planner stated that he would like to keep the public hearing(s) on a night that one or more of the Selectmen can attend. Charles Klueber asked if the Town Planner would be contacting the Zoning Board of Appeals because it seems that there were a lot of conflicts for the last meeting. The Town Planner said that he would.

Tech proposal from Engineering Services – Hancock Associates – Contract #16339A – Rosebrook Way;

The Town Planner referenced that in the members packettes, the office received a scope of services for the peer review of the upcoming public hearing for the Medical Office Building in the amount of \$5,000.00. The Town Planner asked the Board to review and, if acceptable, to give him permission to endorse the scope of work and contact Hancock and A.D. Makepeace to make the appropriate deposit and open up the account so they can initiate the review of this. Mike Baptiste asked that the Board should review and discuss this at the next regularly scheduled meeting on May 9, 2011, in order to give the other two members not present this evening, the opportunity to review and give their opinion as well.

TOWN PLANNERS REPORT;

See above

CORRESPONDENCE;

In packettes.

ADJOURNMENT;

Motion made to adjourn by Charles Klueber. The Motion was seconded by Mary Davey Morley.

Vote: Unanimous (3-0-0).

Date minutes approved: 5-9-11

Attest: _____

George Barrett, Chairman
WAREHAM PLANNING BOARD



Alan Slavin, Clerk
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 5/10/11 (bs)

RECEIVED
MAY 10 2011
10:30am
TOWN OF WAREHAM
TOWN CLERK