

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: March 21, 2011

I. CALL MEETING TO ORDER

The meeting was called to order at 7:05 p.m.

II. ROLL CALL

Members present:

George T. Barrett, Chairman
Michael Baptiste, Sr., Vice Chairman
Charles Klueber
Mary Davey Morley (Arrived at 7:10 pm)
Alan Slavin, Clerk
Michael Fitzgerald, Associate Member

Town Planner

John M. Charbonneau

BOS Liaison

Walter Cruz

III. PRELIMINARY BUSINESS

A. Minutes to be approved: 1/10/11, 1/24/11, 2/15/11, 2/28/11

MOTION: Alan Slavin moved to approve the 1-10-11 meeting minutes. Mike Baptiste seconded.

Vote: Unanimous (4-0-1)
Mike Fitzgerald abstained.

MOTION: Alan Slavin moved to approve the *1-24-11 meeting minutes. Mary Davey Morley seconded.

Vote: Unanimous (4-0-1)
Charles Klueber abstained

Brief discussion ensued re: corrections/additions to be made to the 2-15-11 meeting minutes.

MOTION: Mary Davey Morley moved to approve the 2-15-11 meeting minutes as corrected. Mike Baptiste seconded.

Vote: Unanimous (5-0-0).

MOTION: Alan Slavin moved to approve the 2-28-11 meeting minutes. Mary Davey Morley seconded.

Vote: Unanimous (5-0-0)

**B. Informal presentation – Rosebrook Place – c/o Tom Berkley,
A.D. Makpeace**

It was stated that Mr. Berkley is unable to attend the meeting this evening and Stacy Minehan (Beals and Thomas) will be making most of the presentation to the Board.

Present before the Board: Stacey Minehan, Beals & Thomas
John Towhig

Ms. Minehan asked that they meet with the Board again within one month. They would like to meet prior to the Zoning Board of Appeals meeting.

Ms. Minehan proceeded to discuss the plan. The plan shows the Rosebrook Place development which is adjacent to Rte. 28. She discussed the context of the Rosebrook Business Park Development. The Medical Office Building is the one already under construction and the Rosebrook Place development is the second and will house the general office. Rosebrook Way comes up off of Rte. 28.

Ms. Minehan stated Rosebrook Place will contain 7 buildings, associated parking, a proposed hotel with 100 rooms, a conference center, a bar and grill, and a banquet hall as well. The remainder of the project will include 49,000 s.f. of retail space, including a bank and a pharmacy and other uses. There is 10,000 s.f. of office space, 36 residential units, and a stand-alone restaurant in addition to the stand-alone bar and grill that is proposed within the hotel.

Mr. Charbonneau informed the Board that Jim Kane and Tom Berkeley came before the Board of Selectmen last month to receive approval of liquor licenses for the hotel, bar and grill, and also the restaurant.

Ms. Minehan stated Building A is retail and office and Building B and C are split between retail and residential. Parking was discussed for the residential units vs. retail by the Board members. Mr. Charbonneau asked if the residents will have reserved spaces. Ms. Minehan stated there will be a reserved area and she discussed the architectural rendering of the building(s), parking, and bog on site. She reviewed the plans with the Board members. Ms. Minehan added that there will be parking on the back side of the units as well. Discussion ensued.

Mr. Charbonneau indicated he would be looking for some kind of a maintenance plan with the submission. Mr. Barrett spoke re: plans for storm water. Mr. Towhig commented that asphalt vendors have a particular mix and some would say that it is magic. Mr. Charbonneau asked if there was any difference with snowplowing. Mr. Towhig stated there is not an issue with snowplowing. They have been working with a gentleman that has stated there is not a problem, but that they are still working on this matter. He stated this is something that New Hampshire has been testing ground with. Discussion ensued re: impervious concrete and impervious asphalt surface in pedestrian walkways and overflow parking.

Mr. Barrett asked what the timeframe is on this submittal. Ms. Minehan stated they would like to see the Board again within a month so that they can submit to the Zoning Board of Appeals in early April.

Mr. Charbonneau questioned the change to the subdivision for the roadway because MA Highway changed the layout of Lou Avenue which necessitated a change in the route of the roads. He would like to amend the original subdivision approval, of which, there would be a need to submit something to the Planning Department as to whether or not it meets the criteria of a minor modification.

Mr. Barrett commented that there have been a lot of trees removed across the street. He asked if the intent was to build a jug-handle to Lou Avenue which is on Cranberry Highway itself. He again commented that there have been a lot of trees cleared across from the entrance. Ms. Minehan replied that this was not affiliated with the site.

Mr. Charbonneau informed the applicant that Monday, April 25, 2011 is the start of Spring Town Meeting, thus, the Planning Board will only be meeting on Monday, April 11, 2011. He stated the applicant will probably have to look at a May date, but he encouraged the applicant to get something to the office so he can get something to the Board on the modification on the subdivision to get this out of the way first.

Mr. Baptiste expressed his concern & confusion re: the activity across from Lou Avenue right now. He asked what was going on there. Mr. Slavin also expressed concern re: the trees being cut down. Mr. Charbonneau stated that Jim Kane has imparted that this activity is part of this whole development and that there was a traffic light going in there.

Mr. Charbonneau reaffirmed that the Board will be meeting on April 11, 2011 and if the applicant can get something to the office re: the changes to Lou Avenue, the Planning Board can put it on the agenda and hopefully decide that night whether or not it is a major or minor modification. He noted that National Grid has been seen on site to review the proposed plan per Mr. Slavin and Mr. Baptiste.

Mr. Towhig stated this is not their final list, but it is pretty close as they get the plans finalized. There are Special Permits, Variances, and site plan review. All three of these are needed for the site because of size. The hotel use is by special permit, Section 361 and this is how the By-law reads for multiple buildings on a lot. Section 221 is for a drive-thru. This will be the bank drive-thru and the pharmacy drive-thru, thus, there will be a request for these and then, parking to the extent that if it will require any relief. This has not been determined yet. Mr. Charbonneau concurred.

Mr. Towhig stated in re: to Variances, the building footprint for the hotel is a bit more than 30,000 s.f. which requires a Variance if it goes over 30,000 s.f. The proposed hotel is approx. 34,000 s.f. and the maximum setback and site plan review are all criteria. Protecting adjacent areas, access, appropriate arrangement of structures, utilities compliance with the zoning By-law, will all be part of their filing. Since this is a Special Permit requiring Variances, the SPGA becomes the Zoning Board of Appeals with a recommendation from the Planning Board under Section 1520. They will submit a narrative, a memo for Variances, Special Permits, and their plan set will include a locust map, a context plan, a development plan, elevations, and a landscaping plan as well as other plans. A Fiscal Impact Study will be filed with the tax benefits for this project, there will be a traffic report by Vanesse & Associates, and a stormwater report from Beals and Thomas. If it is determined there will be a need for parking relief, there would be a shared parking analysis which is allowed in the By-laws. There will be a phasing plan because they will not build this all at once. The pharmacy, restaurant, and the bank will be first so they will include the phasing plan.

Mr. Charbonneau stated this will be a Zoning Board project. He read a portion of the By-law pertaining to this into the record. He stated there will not be a public hearing before the Planning Board, only the Zoning Board of Appeals.

Mr. Slavin asked how many stories the hotel will have. Ms. Minehan stated there will be three stories from the front and four stories if you look at it from the bog.

one dwelling only was because a road would be built to go nowhere (back to a gravel road). This gravel road is an easement to go across that property to get it out and it couldn't be improved because there was just an easement to go over it. That's why the condition was put in there; for one dwelling only so it couldn't get subdivided into many lots. He remembers this quite clearly now.

Ms. Davey Morley replied that it was a frontage Variance and it was for the Grandmont's. The Board members and the Mr. Charbonneau reviewed the property file and the Variance granted by the Zoning Board of Appeals.

Mr. Slavin asked if there was a deed restriction put on the property. Discussion ensued.

Mr. Barrett stated whereas this is a preliminary plan, the Board can condition it, & give final approval upon providing documentation that the easement was granted to more than one property. Mr. Meehan told the Board it was not granted to more than one property. He explained the situation that occurred in this area. As you come down Burgess Point Road, it is paved to a point then it goes into a dirt road. The dirt road is owned by some new folks now. It was owned by the people who owned Codman Point. Codman Point was sold. Thus, there is a deeded right of way to get to these properties. Its true it is a ^{floating} right of way, but what happens is, it got locked in when he bought his house. His driveway lines up with the road and it's all the frontage he has there. The road can't be moved, it's deeded to him now. When all this was being done, he went to speak to Dr. Geagan who indicated he would be very happy to see that happen. He has a lot of issues at the property & with the roadway. He is not allowed to fill it, there are some potholes that are two feet deep, there are some Conservation issues, etc.

Mr. Charbonneau asked if anything changed with this proposed way or anything since the Variance was granted or is this exactly as it was back then. Mr. Meehan answered that it is the same.

Mr. Baptiste added that the 15' access is not adequate to support two more houses.

Mr. Charbonneau stated part of the reason the Variance was granted was because this lot originally was so large, but now it is being subdivided into three lots.

Mr. Barrett stated that judging from this discussion, the Board would tend to deny the request at this point. He doesn't know if Mr. Charbonneau is getting a determination on the access and if this would change anybody's mind. Ms. Davey Morley asked what determination Mr. Barrett is speaking about. Mr. Barrett stated he is speaking about if Town Counsel were to look at the access and give some sort of ruling on whether it is proper to call it frontage or not. Ms. Davey Morley stated that she would tend to agree.

Mr. Barrett informed the Board that he has a feeling that approving something without all the information, something that had been denied in the past, could open up a can of worms for everyone involved. Mr. Braman stated that is why it was important to bring it to the Board's attention. He brought and submitted a copy of the Variance for the Board's review.

Mr. Barrett asked if the Board wanted to grant another extension and allow the Board to return to Town Counsel or does the Board want to take action now. Mr. Braman stated he would like to ask for an extension, thus, rather than come in April, he will come back in May. He feels this way at least he would probably have an answer.

Mr. Charbonneau stated the first meeting in May is the 9th, so he asked Mr. Braman to send the request in writing extending this matter until the 16th.

MOTION: A motion was made & seconded to deny the Form B for 74 Burgess Point Road.

VOTE: (2-2-1)

MOTION: Mr. Slavin moved to grant an extension of time for the Form B for 74 Burgess Point Road & to request further information from Town Counsel re: this matter, including the access issue. Ms. Davey Morley seconded.

NOTE: Mr. Barrett clarified that the question would be is it legal frontage with insufficient access & the vote is to grant an extension to the 16th.

VOTE: (4-0-1)
Mr. Baptiste opposed

IV. PUBLIC HEARINGS
None scheduled

V. CONTINUED PUBLIC HEARINGS
None scheduled

VI. ANY OTHER BUSINESS/DISCUSSION

A. Next regularly scheduled meeting date.

Discussion ensued re: the next regularly scheduled meeting date of April 11, 2011. Several members will be unable to attend. Discussion ensued re: if the meeting should be rescheduled.

MOTION: A motion was made & seconded to reschedule the Planning Board meeting from April 11, 2011 to April 18, 2011.

VOTE: Unanimous (5-0-0)

Mr. Charbonneau advised the Board they cannot move the meeting to the 18th because the joint meeting with the Zoning Board re: the proposed Wal-Mart is scheduled for the 18th.

MOTION: A motion was made & seconded to rescind the previous vote above.

VOTE: Unanimous (5-0-0)

B. Proposed Wal-Mart - Continued joint public hearing w/Planning Board & Zoning Board of Appeals to be held on Monday, April 18, 2011.

Mr. Barrett asked if Board members were aware that the Traffic Peer Review has decided to recommend to hold off until.....Mr. Charbonneau interrupted Mr. Barrett and stated he told them not to and that they need to get out there and start doing the traffic study.

Mr. Baptiste asked if Mr. Charbonneau could find out about the property across the street from Lou Avenue. He stated that piece of property has another parcel on the other side of the fence in the back and if that is going to be an entrance to that property, he doesn't know. He feels this

is something the Board should take into consideration because that is quite a big piece of property.

C. 53G Accounts – Discussion & Review.

Mr. Charbonneau informed the Board he has a couple of accounts that he is proposing to ask the Board to release. The Planning Department is starting to clean up the old accounts. One of the accounts is for SAV Associates and Express Lane. The Planning Department is holding two accounts totaling \$1,219.71. One of them was being held pending the installation of a sign which he has attached a picture of. He stated this is complete and he doesn't believe there is any reason the Board should be holding onto these funds. The other is the remainder of a performance bond.

MOTION: A motion was made & seconded to release \$1,219.71 for the two accounts noted above by Mr. Charbonneau.

NOTE: Mr. Baptiste stated the landscaping looks terrible. Ms. Davey Morley asked Mr. Charbonneau if he went to the site & Mr. Charbonneau stated he did. Discussion ensued. Mr. Barrett stated the 53G account is for peer review and engineering, which is done. The bond is what the Board can hang onto. Discussion ensued re: enforcement of the landscaping plan on site plans and who is responsible for the inspections/enforcement action.

Mr. Fitzgerald suggested the Board not release any funds in the future as a policy until an inspection is done and the Board receives a report, either yes it is done or no it is not done. Mr. Barrett stated that, generally, this is done for a subdivision however, these projects are old projects and Mr. Charbonneau went out and looked at them. He doesn't recall what landscaping was associated with this site. Mr. Charbonneau expressed stated that any landscaping he has seen is only guaranteed for a year or two and unless there was a landscaping maintenance plan, he doesn't know that much can be done. Ms. Davey Morley indicated she doesn't know what the problem is with the landscaping. Mr. Baptiste stated the shrubs probably were not taken care of and they died. Ms. Davey Morley replied that they could have died in the first year. It just isn't known.

VOTE: _____???

Mr. Charbonneau stated another account is for A.D. Makepeace Country Store. He suggested the Board release \$1,850.26 of funds for this account.

MOTION: Mr. Baptiste moved to release funds in the amount of \$1,850.26 for the A.D. Makepeace Country Store. Mr. Slavin seconded.

VOTE: Unanimous (5-0-0)

D. Sign By-law Committee – Discussion and set date(s) of meeting(s).

Mr. Barrett asked that a date be set after Town Meeting for the Sign By-law Committee. Mr. Charbonneau questioned if a representative from the Board of Selectmen has been appointed to this committee.

E. Recap of D.O.T. meeting with Board members.

Mr. Slavin gave a brief recap of the meeting held w/ DOT. In August 2011, this would be the 75%. In May, there is supposed to be the first public hearing. There is approx. \$13.5 million

assigned to this project. The project will be over a 12-month period, 24/7 when they run it, and the last piece they will do is the Cohasset Narrows bridge. There is talk about starting this in late 2012 and finishing by early 2014.

Mr. Barrett stated the original proposal was to go from the split all the way to Buzzards Bay, to there and back from the Wal-Mart lights if money and funding became an issue. The actual benefit is 2012 for -----, 6' plus 2' leaving 4' for the bike path plus 5.5' for -----. There will be 150 businesses affected and they will be back for public input. There is 50' of pavement in a 78' right of way, roughly, and it is not centered in the right way. A lot of the landscaping and signage you see presently, is actually in the State right of way.

VII. TOWN PLANNER'S REPORT
None presented

VIII. CORRESPONDENCE
In members' packets.

IX. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 9:05 P.M.

VOTE: Unanimous (5-0-0)

Date minutes approved: _____

Attest: _____

George Barrett, Chairman
WAREHAM PLANNING BOARD

Alan Slavin, Clerk
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 7/14/11

AB
Signature @ 7/11/11 nhtg BS

