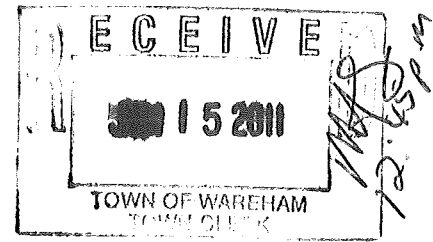


Town of Wareham  
54 Marion Road  
Wareham, MA 02571



**Minutes of the Planning Board and Zoning Board of Appeals – Wal Mart  
(proposed) - Joint (Continued) Public Hearing – Lower Level Cafeteria**

February 15, 2011

**Members present:**

**Zoning Board Members:**

Ken Ferreira, Chairman  
Mike Martin, Vice Chairman  
Richard Secher  
David Sharkey  
Wilma Engerman, Associate Member

**Members absent:**

Mary Scarsciotti, Clerk  
BOS Liasion  
Steve Holmes - Absent

**Planning Board**

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

**Members absent:**

None

**BOS Liasion:**

Walter Cruz - absent

A Motion was made and seconded to open the joint public hearing at 7:05 p.m. Chairman Ferreira of the Zoning Board of Appeals and Chairman George Barrett of the Planning Board were present and introduced themselves and the Board members. John Charbonneau, Town Planner, was introduced by Chairman Ferreira. Chairman Ferreira stated that the Town Planner has a few things to update both of the Boards since the last meeting, as well as information to update the residents and public that are present. Town Planner Charbonneau informed the Boards that since the last public meeting, the representatives of Wal Mart have been in contact with both the Board of Selectmen and the Conservation Commission to get on their upcoming agendas, with the Board of Selectmen to obtain a sewer connection permit and also to file with the Conservation Commission for wetlands issues. In essence, the Town Planner reported that contact has been made and that Wal Mart should be appearing before those two Boards. The Town

Planner assumes this may occur within the next month or so. Additionally, the Planning Board and the Zoning Board have finalized the hiring of Hancock Associates, the Town's Engineering Consultant to perform the peer review. The Planning Department has received a check for the peer review contractual obligation and it has been processed. Both Wal Mart Headquarters and Hancock Associates were notified last week that it is alright to proceed with the peer review. They will be reviewing the overall site design, including egress, parking, landscaping, drainage, etc. Also, one particular order of business tonight that the Town Planner would request is, that the Boards take a vote, on his recommendation, to hire the ESS Group as the Traffic Peer Review(er) for the Wal Mart project. Town Planner Charbonneau has spoken to Attorney Ed Angley over the last couple of weeks and he does not have a problem with the hiring of the ESS Group and having previously worked on the Wareham Crossing project, he believes that this is a benefit because of the local mileage and the base line data for the same road network that will be reviewed for the Wal Mart project. The last thing the Town Planner wanted to mention, to both Boards, is, that when and at the end of the meeting and when we determine the next public hearing date, I would request that the meeting be held on a non-Tuesday, that way, any member(s) of the Board of Selectmen that wanted to attend the public hearing, would be able to. Due to the fact, that, the Board of Selectmen meet on Tuesday evenings, they were not able to attend the initial public hearing nor the continued joint public hearings if they are held on a Tuesday evening.

Chairman Ferreira entertained a motion from the Zoning Board of Appeals to hire ESS Group as the Traffic Peer Review(ers) and do you get a check from Wal Mart for that as well.

The Town Planner responded, "No, what I would do if the Board approves ESS Group, is, tomorrow, I would send them the application materials to give us a scope of work and a contract, similar to what we did with Tech Environmental, relative to the Bog Wind project."

A Motion was made by Richard Secher and the Motion was seconded by David Sharkey to hire ESS Group as the Traffic Peer Review(ers).

Vote: Unanimous (5-0-0). (Zoning Board of Appeals)

A Motion was made by Alan Slavin to hire ESS Group for the traffic study. The Motion was seconded by Mary Davey Morley.

Vote: Unanimous (5-0-0). (Planning Board)

Chairman Ferreira announced to the audience that he wanted them to hear what the Boards were talking about, the Boards are actually for this project, in regard to, the hiring of (2) two outside, independent professional engineers to review the project. The first being Hancock Associates, Hancock Associates is the Engineering Company that the Town has used for the last 5 or 6 years for Conservation, Planning and Zoning, for various land use issues. They are a Civil Engineering Group and they will review all the Wal Mart data for compliance with law and technical aspects of site design, that being drainage, conservation, wetlands, etc. Separately, we (the Zoning Board and Planning Board) have just made a Motion and we are hiring ESS Group, which is another Professional Engineering Company that deals more in planning and traffic issues and they have professional traffic engineers, they were the group that reviewed the project plans for Wareham Crossing so they are quite familiar with what is going on here in Wareham in terms of, obviously, Wareham Crossing, projects proposed by A.D.,

Makepeace, and so forth, and of course, the Rte. 195 and Rte. 495 interchange. The Town Planner then added that, ESS Group has come highly recommended from anyone he has spoken to about the work they have done in the region and that this is the other reason for his recommendation. During my time in Rochester, and having dealt with SEMASS and representatives of SEMASS they have done work on behalf of SEMASS and they were very pleased with their work as well.

Chairman Ferreira said, "So, with that being said, I believe the last time we left you (the applicant and representatives) we had maybe, after several hours, we had maybe only 15 or 20 minutes to allow for input and questions and answers from the general public.

"What I am going to do now is check with the Wal Mart representatives and ask if they have something to say, because this is their hearing, of which, they have paid for this public hearing, so we will start off with Wal Mart and then quickly turn to public comments and allow people in the audience, either proponents or opponents to the project or people that just have questions, to ask those questions, however, we ask that, of course, you ask them through the Chair(s), either myself and George and then we will try to get answers for you." "One of the things I would like to say to the audience is that I know there has been a lot of discussion and we don't go by what is in the newspapers and public sentiment, I would like to say two things to you;

1. Due to nuances and the General Laws of MA, this particular project has been "grandfathered" based on what the original owners did, not Wal Mart. The original owners filed what you call a "freeze plan" which "grandfathers" them not to current zoning regulations, but to the zoning regulations that were in effect in April 2005. That is because they filed those plans and froze the zoning, so, any new cases in zoning don't take effect we go back to the zoning bylaws effective in April 2005.

2. Also, and while you are free to make any comments that you want, it's really not our Boards purview or anyone's purview to say we would like to see Wal Mart stay in East Wareham. While that may be your sentiments, this project, (whether Wal Mart wants to stay in East Wareham or not stay in East Wareham), build two stores in Wareham, which they are not proposing to do, is not the issue. The issue is really the project at hand, which is, to construct a Wal Mart Super Store on Tobey Road. So, that is what is on the table to review, not what they do with their store in East Wareham."

Chairman Ferreira asked, "So, that being said, does anybody from Wal Mart like to speak? Mr. Bob Fitzpatrick introduced himself to the Board(s), stating that Mr. Angley could not be present this evening, however, Mr. John Kusack from Boehler Engineering, Tara Calabrese from Barry Porter & Associates, who helps with permitting across Massachusetts and elsewhere for Wal Mart and Ron LaPorte, who is the Architect who has been working on the ----- for the proposed store. Mr. Kusack said that they would be happy to answer questions to the extent that we can tonight, as to the extent that we can't, we will ultimately work with the Board(s) to put together information that is responsive to the questions and we hope to have a good open and frank discussion.

Chairman Ferreira thanked Mr. Kusack. Chairman Ferreira stated that the Board's would entertain comments from the audience and questions, if possible, and if Wal Mart can, we would direct Wal Mart to answer them, again through us, this is not a dialogue between the audience and Wal Mart representatives, however, if you have a specific question and you would like to get it answered, we will try to get it answered, if not, I am sure they will be taking notes and at the next public hearing, they will try to answer your questions.

“All that being said, we will now start with comments from the audience, what I would like to ask you to do is, if you are nervous and you do not want to come up front, I cannot make you come up front, but I would like you to stand to the side and project your voice so that everybody can hear us and so, most importantly, so that the Minutes can accurately be kept.” “After you speak, there is a sign-in sheet on the table out front here on a clipboard, please make your comments and then sign your name and address and that way the Minutes will be well kept and reflect accurately.”

Town Planner Charbonneau stated that he heard and that one of the members of the Zoning Board of Appeals Members, mentioned to him and prior to the meeting, that there have been some questions as far as whether or not the Boards are going to vote on this project tonight. “I just want to clarify something that was brought up at the first public hearing and that is, this is going to be a lengthy process.” “Wal Mart is still in the middle of their State permitting process and that process is going to take several more months to complete, therefore, we are still at the beginning of this process and the Boards are not going to be voting on anything tonight.” “Before people start asking questions, do not get the impression that a decision on this project is imminent tonight, because it is not.” Chairman Ferreira responded by saying, think of this as a pregnancy and you just found out you were pregnant and <laughter> eight weeks into the process you take a test and until we have all of this information, there is certainly not going to be a vote tonight. “What may happen, if not tonight, or within a subsequent meeting, at some point the Boards will split again because we have different issues.” “There are different jurisdictions that the Zoning Board has and different jurisdictions that the Planning Board has, so, once all the information is gathered, and all the peer reviews come back, we probably will split and our public hearings will be held seperately.” “However, what we are trying to do for the benefit of the public of Wareham is, so that you don’t have to come out two nights, you come out one night and the Members hear all the information at the same time.” “But when we get down to the “nitty gritty” of the issues that affect the Zoning Board, i.e., Special Permit issues and issues that affect the Planning Board, again, Special Permit issues, but again, different ones, we probably will split off and do our meetings seperately.” “You may want to think of it, and, I happen to have triplets, so, you may want to think of it as, that, this is an exciting moment, you just found out you are pregnant and you are having triplets”...Chairman George Barrett responded by saying but, you can vote on the outcome (of this project) and Chairman Ferreira jokingly responded, but, I had no choice on the outcome (of my triplets).” “Anyway, I ask that you raise your hand and we will take you one at a time, and there is a gentleman right up front who has a question.”

Chairman Ferreira was asked and briefly interrupted by a Board member, if he (the Chairman) wanted to take up the Minutes from the last meeting. Chairman Ferreira stated to the public meeting that one of the things we (the Boards) need to do is to approve the written Minutes from the last meeting, which, were prepared by Town Planner John Charbonneau, so, the Chairman entertained a Motion from the Zoning Board to approve the Minutes of the January 4, 2011 meeting.

The Motion to approve the January 4, 2011 Minutes was moved by Mike Martin and seconded by Richard Secher. Chairman Ferreira then turned to the Planning Board Chairman, George Barrett. Chairman Barrett asked the Planning Board Members if they are prepared to take action on the January 4, 2011 Minutes.

A Motion was made by ----- to approve the January 4, 2011 Minutes and the Motion was seconded by -----.

Vote: Unanimous by both Boards (5-0-0) Zoning Board and (5-0-0) Planning Board Stan Matthews approached the Board Members and expressed his concerns indicating that transportation is what spurs growth, either by rail or by highway and that there would be an advantage to Wal Mart in addition to the Wareham Crossing and Rosebrook Park. Mr. Matthews also said that in the long term interest of Wareham, it is not just an issue of the store in East Wareham, it is an issue of what is the potential growth in Wareham in the future providing jobs for our citizens and also for tax revenue. Some of the concerns are the use of the East Wareham store and the impact in the future. \*the tape was hard to hear due to the background noise and people talking.

Sandy Slavin who stated that she wanted to be clear that this has nothing to do with any other Boards and Commissions that she is on, however, Mrs. Slavin asked the Chairman what intersections and, additionally, the extent of the traffic study, what will it cover.

Town Planner John Charbonneau answered that he believes it is going to cover the Cranberry Highway/Tobey Road intersection, the Main Street/Tobey Road intersection and all the major intersections along Rte. 28 from Tobey Road out to Rosebrook Park. Chairman Ferreira said that the last time the Wareham Crossing traffic study reviewed everything, they took it up as far as Charlotte Furnace Road and Doty Street.

The Town Planner said he wants it to include Main Street going back towards Town Hall because he believes that a lot of traffic will try to avoid the lights (on Cranberry Highway) and come down Main Street.

Chairman Ferreira said that the Wareham Crossing project looked at all of those, especially because there were comments from the Town of Marion's Board of Selectmen as to and with the concern of what the impact would be with Route 105 and trying to come through the back roads to get to Wareham Crossing as opposed to hitting the lights on Route 28. "When we looked at Wareham Crossing" Chairman Ferreira said, "some of the concerns that he and Chairman Barrett had was that there are only two major roads to get from downtown Wareham to Middleboro." "In a lot of other communities there are a lot of other ways to circumvent a traffic jam, but in this case, if you are in West Wareham, you either take Main Street to get downtown, to get to the hospital, or out of town, or you take Route 28." "So, we had them encompass and look at those areas, one of the problems that we encountered is, that when they do their studies, if they rely heavily and say, there is only so many cars that are come into a destination, so, if they say they are all coming on Main Street, then it reduces the impact on Route 28, which would seem silly, but it is true." "If there is another 100 cars using Main Street at the Decas School to come to a project, then those 100 cars are removed from Route 28 and suddenly the impact on Route 28 gets less." "In essence, its kind of like a double-edged sword." "So, the other thing is if the proper Professional Engineer is doing a proper traffic study, for example, it is like a perc test, if you do a perk test in the middle of summer as long as it is warm and hot and the soil is dry so that water gets absorbed more quickly, but if you do it in April when the snow melts and it has been raining, you say, well if you do a perk test in the summertime, you cannot compare it to April, but you can." "Even if you do your study in October, you can use your information based on other traffic studies as to what the increase in population is to compensate for that." "So,

even though you measure the cars in October, you may get compensation say in July, on July 4<sup>th</sup> weekend.”

The Town Planner added, that, traffic counts have seasonal adjustment rates that they use and that is part of the reason that the ESS Group is good and this is because they have worked with Wareham Crossing, so, they have already done traffic studies in this area and have baseline data that is fairly recent.

Chairman Ferreira included that the other important thing that they have to add in, is, even though the zoning is “frozen”, this is still an Industrial area, so, there is a lot of trucks involved and that is another thing that they have to make an adjustment for, even if they don’t see them. You have Cape Cod Express, other trucking companies and the Rosebrook Park, as well, and when trucks are involved in the mix, they start up more slowly. When the light turns green, a truck doesn’t move as quickly as a car might through a green light. They will look at a 10-year projection and as I have said before, I have lived in Wareham for well over 30 years and my experience is more towards the New Bedford area and I think about the North Dartmouth Mall and how that area just exploded and it took a few years. The Mall opened up and it took a little while before the other businesses came and eventually you had Best Buy and Kohl’s and all the other businesses that were drawn to the area. You couldn’t imagine it back when they were doing the study for the Dartmouth Mall, and so, what I have always told the traffic consultants is that we need to look at the big picture and what is it going to be like 25 years from now, so, we are trying.

Chairman Barrett added, that, the challenging part of the project is making the major roads the easiest access so that people don’t use the back roads and if you use Cranberry Highway, the lights are not really that bad. They are not as bad as he thought they were going to be.

Leroy Jackson, a West Wareham resident, stated that he was in favor of the project and he thinks it will be good for the people looking for employment in the area, those of us who live in the area and all the way around. Traffic is always going to be some sort of a problem. Mr. Jackson informed the Boards that he spent 10 years in California and that they worked things out.

John Assad asked if the Board was telling him that there is no choice, one way or the other, because it is “grandfathered” zoning and is that your implication.

Chairman Ferreira stated, “Absolutely not and if I gave you that implication, what I wanted to indicate to you was based on the zoning in April 2005, when the owners of the property, not Wal Mart, froze the zoning and retail uses are allowed in that district.”

“However, retail uses are subject to a lot of permitting issues that have to be satisfied and the check and balance system are that, the Zoning and Planning Board have to be satisfied that the proponents mitigate all of those issues.” “It is an allowed use and it’s not like a variance, whereas if you wanted to build a gas station in downtown Wareham Village or Onset, you would not be allowed to build a gas station because it is not permitted.” “This particular site (Wal Mart), retail use is allowed but based on the size of this project, there is a lot of factors that have to be mitigated.” Discussion ensued regarding the zoning.

Mr. Assad further expressed to the Chairman, that, he wanted assurance of mature trees around the entire perimeter and did not want to look at a parking lot.

Sheila Monaghan stated that she lives in West Wareham and resides in the Great Hill Mobile Home Park, that is basically across the street from the proposed site. Ms. Monaghan was present at the last meeting and she indicated that she raised some issues about the traffic and Mrs. Slavin raised a lot of the same issues that she has. When they did the traffic study and they used the peak hours on a Saturday from 12 p.m.-2 p.m., I will tell you as a resident that coming out of that driveway, those are not the peak hours. There is far more traffic at 3:00 p.m. in the afternoon and early morning, if you are trying to leave the Mobile Home Park and you cannot get out of that driveway. Ms. Monaghan is the Vice President of the Association, and is representing the residents at Great Hill and our concern is that we have 226 homes that come out of that one driveway, each home is allowed two cars per home, so, multiply that times 226, there are a lot of vehicles that are coming and going. It is perilous to make a left or a right turn and at times you wait and wait and wait to get out, the truck traffic is an issue, but early morning and 3 o'clock in the afternoon are disasters. Ms. Monaghan stated, "So, I am here to raise the issue once, that, what was proposed and presented at the last meeting, where the entrance would be, is perilously close to where that driveway comes in and out and I think something that when you are doing the traffic study and road planning is really going to have to have some consideration." "The way it was talked about at the last meeting with the road being widened and then narrowing, it is literally narrowing just before the driveway."

Town Planner Charbonneau asked if he could explain something and said that it is very simple, how they measure the peak hour. They put down traffic tubes for a 24 - 48 hour period, they then extract the data and wherever the most cars are in a given hour, that's where the peak hours are, so, if the numbers come out that the peak hours are between 4:45 p.m. and 5:45 p.m., then that is simply what the numbers show as far as the most cars. The Town Planner also stated that if you think that somebody thinks that the peak hour is 3:00 p.m., they measure it over a one or two day period and it is very black and white, as far as what the peak hour is. Ms. Monaghan understands this, but she thinks there is some leeway and is concerned.

Chairman Ferreira told the audience that he appreciates these comments and wants everyone to know that the Boards will be listening to a lot of technical data from Wal Mart and there will be more from their traffic people, our consultants, Hancock Associates and ESS Group. Chairman Ferreira said that all of that is very technical in nature, there are a lot of numbers, a lot of reports but this is our opportunity to listen to the people, the abutters, both in favor and in opposition, to hear about some of these concerns that we may not be aware of and some of the other members of the Boards that live in Onset and East Wareham and are not as familiar with what goes on at 7:00 a.m. in West Wareham with the trucks and the tractor trailers and the trucks that used to park in front of Dunkin Donuts and block your line of site so that you could not get out of Charlotte Furnace Road, Gault Road, so, unless you live in the area, you do not understand it.

Ms. Monaghan wished to thank both Boards for giving the residents this opportunity. Chairman Ferreira stated that the residents were/are entitled.

Nancy ----- has lived in Wareham for 45 years and has raised her children here and has grandchildren here. She indicated that she has had nothing but positive feedback and

feels fortunate to have Wal Mart coming in this area. The Town has local transportation, people who help people, it will open up and jobs will be created.

A female resident \*unable to hear name\* spoke about the environment, improving the sidewalks, infrastructure, the Decas school, the Bike Path Committee, of which, is designed to go in front of the Decas school and the railroad bridge on Main Street.

Nancy ----- who lives in the Village (Main Street) is from YMCA Southcoast and is a bike rider and often rides her bike up to Wareham Crossing and there is only one bike rack at Target right now. She would like to live in an active environment and stressed better nutrition.

Chairman Ferreira asked if the Bike Path Committee had a specific design, any requests or specific ideas as to what kind of spurs could be shut off down Tobey Road that we could have our consultants incorporate and discuss with Wal Mart and if this looks like something that is doable, is this workable. The Chairman added that if you or your Committee have some specific ideas, or the Bike Path Committee has, get them to John, so we can look at them with our Consultants and say, this would be a good integration because again, when you are looking at mitigating factors, we can't ask Wal Mart to mitigate something in East Wareham, the mitigation is where the project is, as opposed to where they used to be. For example, we, the Boards, had a big concern, of which, both Boards had when Wareham Crossing came in, was the fact that on Saturday morning cars were parked all over Main Street because of sporting events that went on at the Decas School and those concerns were raised. If you notice, that is no longer the case or at least not as much because Wareham Crossing said we will look at that issue and offered to design and construct additional parking at the Decas School, so, all the extra parking at the Decas School was designed, developed and constructed by Wareham Crossing. Chairman Ferreira again asked that if anyone had any ideas, to please get them to the Town Planner.

Malcolm Phinney suggested that there might be some things to be done to lessen the environmental impact that the project might have. Mr. Phinney's questions were answered by a representative of Wal Mart. Mr. Phinney asked about the green roofs to try to reduce the run off. Discussion of a green roof vs. skylights ensued. The impact of the parking lot was discussed.

Town Planner John Charbonneau answered that other towns that have implemented these measures, sometimes some measures are more effective than others. For instance, there is an asphalt that is put down that is not totally pervious but not totally impervious that allows more infiltration, however, the trade off is, in the winter time when sand and salt are applied, those pores that allow water to infiltrate, get clogged so what seems like a good solution at the time, over time, becomes ineffective. "This is why I urge the audience to realize that this is a lengthy process, these issues are going to be flushed out, they are going to be discussed, in detail, as the public hearing process continues and tonight is not going to be the only opportunity to speak on these issues."

Chairman Ferreira said that what he would like to ask Wal Mart, is, that when you go through this MEPA process and you are going through the environmental impacts, and stormwater management is another example, you can meet the letter of the law but the spirit is a little bit greater and I am wondering if as we go through this if you couldn't consider that you do a little bit more than you have to do. That would be something that would fall in the range of mitigation or lesson the impacts, in other words, if you just do



what you have to do for stormwater management and don't do a little extra, again, yes, you have met the letter of the law but you haven't given us anything over and above and so, we would be looking for your calculations/tradeoff, the green roofs or whatever, when you come up with a design, the skylights are somewhat of a benefit, but its more of a benefit to Wal Mart than anyone else because you are reducing the amount of electricity that you have to run through the building during the daylight hours. But, in terms of greenhouse gases and so forth, its not that much more of a benefit so I would be looking for your list of potential ways you could accomplish these things and then the cost benefit analysis of how you arise and say, no we are not going to do this but we are going to do that. Then, the Board's can say ok, you did a detailed study and we think you have picked the best alternative out of the potential alternatives.

The Town Planner said that, for instance, looking at the parking lot and the amount of landscaping, the amount of landscaping obviously meets the minimum requirements, but it leaves things to be desired. There is not a lot of landscaping being proposed in the parking area for one.

Chairman Ferreira added that if your landscaping has to be 10% of your coverage and you gave us 20%, at least you would be showing us that you are going over and above that which you needed to do and I think Wareham Crossing was an example of that where they did a little bit more than what they needed to do, based on the regulations that were in effect. The newer regulations that came after 2005, would ask for more landscaping, but because you are "grandfathered" in, you really only have to do "x" but maybe you could do "x" plus "y" and that is what we would be looking for.

Planning Board Member Alan Slavin added, "It really is incumbent upon both the Boards to look at the project and make suggestions that would be necessary, a simple example would be that if you look at the elevation, whether it be 12' or 14' in some areas and the retaining wall that goes around there, what is going to happen with Patterson Brook when you put a retaining wall up and that stops the natural flow of water and it doesn't seep back in appropriately, so, these are the things we are looking at, that, we should bring back to Wal Mart.

Town Planner John Charbonneau said that this is when the other Boards and Commissions will come in, and he asked this question to the Conservation Agent and if he felt that this will negatively affect the brook and the Agent informed the Town Planner that he did not think so.

----- said to the Chair, as a citizen and a resident who lives in the area, he is concerned about the residents with a project coming in and taking out 20 acres of trees, a building and an operation bringing in additional automobiles, machinery, lots of gasoline and causing a major impact on people who live in the area. There is no doubt about it, there is no way around it, you are cutting down thousands of trees and replacing it with automobiles and machinery and gases and I am looking for some way for Wal Mart to try to offset that a bit, inclusive of the displaced animals and wildlife.

Zoning Board Member Mike Martin discussed the terminology/definition of grocery store and convenience store and the various variances needed..

Chairman Ferreira asked the Town Planner an approximate time of when the Boards would/could receive the peer review.

The Town Planner estimates that he will receive the traffice review within a week or two.

Chairman Ferriera asked the representatives of Wal Mart to provide the Memorandum when they get it and that it should be directed to the Town Planner, John Charbonneau and at that point, and I know that I have the memorandum in hand, we will request the opinion of Town Counsel and we will not wait for another meeting to take a vote to ask for the opinion because it is the purview of the Chairman of both Boards that they can immediately ask for an opinion of Town Counsel.

----- said that, I would rather have the Board discuss the Memo prior to going to Town Counsel under the purview of the Zoning Board hearing. The law is the responsibility to interpret zoning by the Board. I feel that it is necessary .....\*the tape is very hard to hear due to background noise and people talking.

Chairman Ferreira asked the representatives from Wal Mart about the MEPA review and comments. Discussion ensued. The answer to the question was that the soft target date for getting the first round of information to MEPA is March or April and then they need to review it. Chairman Ferreira stated that he knows this is a Special Permit, however, he would like to get it on record, Wal Mart's assenting to continue this public hearing process. A Special Permit hearing is 90 days from the close of the Special Permit hearing to arrive at a decision. But, this is a prolonged project and I would like you to get in contact with the Town Planner and make sure that there is an extension of time, a signed extension of time, so that there is no issues with a constructive grant. It would seem to me that at this point, we are looking to continue this public hearing to some time in April. Discussion ensued in regard to dialogue and comments.

Chairman Ferreira is trying to pick a reasonable date for the next public hearing so that no one is wasting their time by not having anything to review.

The Boards agreed to meeting on a Monday evening so that the Board of Selectmen would be able to attend.

The other thing that the Chairman added and informed the representatives of Wal Mart is that the Town has their Spring Town Meeting in April and would like to avoid any conflict. Discussion of April 18<sup>th</sup> and would this be a good night to continue the public hearing.

Chairman Ferreira and Chairman Barrett agreed that there is no problem scheduling meetings quicker once they have received dialogue to discuss. They are not sure of the traffic and civil peer review(s) being received within the next few weeks. Discussion ensued regarding the schedule of the next meeting. The Traffic Study, now that ESS has been hired, they will need to give us a scope of work so we have a contractual agreement and we will need money from Wal Mart and this may take a couple of weeks. It is difficult for the Board(s) because right now we are still gathering information but once we get into discussion, you don't want to have a long period of time before meetings because you tend to forget what went on.


A Motion was made and seconded to schedule the next public hearing for Monday, April 18, 2011 at 7:00 p.m. at Memorial Town Hall in the Lower Level Cafeteria.

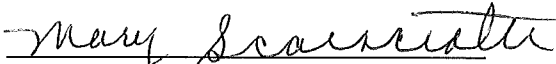
Vote: Unanimous (5-0-0) Zoning Board and (5-0-0) Planning Board.

A Motion was made and seconded to adjourn at 8:35 p.m.

Date minutes approved: 6-14-11

Attest:   
George Barrett, Chairman  
WAREHAM PLANNING BOARD

  
Alan Slavin, Clerk  
WAREHAM PLANNING BOARD

Attest:   
Mary Scarsciotti, Clerk  
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: 6/15/11