

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

PLANNING BOARD MINUTES

Date of meeting: January 23, 2012

CALL MEETING TO ORDER – The meeting was called to order at 7:08 p.m. by Chairman George T. Barrett.

ROLL CALL

Members present:

George Barrett

Michael Baptiste, Sr.

Charles Klueber

Alan Slavin (Arrived late due to CPC meeting)

Town Planner:

John M. Charbonneau

Director of Inspectional Services

Myles Burke

Board of Selectman Liasion:

Walter Cruz

PRELIMINARY BUSINESS

Minutes to be approved: January 9, 2012 – Motion made by Charles Klueber to accept the Minutes of January 9, 2012. Motion seconded by Mike Fitzgerald. Vote: Unanimous (4-0-0).

Form A – ANR - Elmwood Avenue – Town Planner John Charbonneau informed the Board that a letter was received requesting that this Form A be withdrawn without prejudice because the applicant decided not to go forward with the plan.

Discussion - Road acceptance – Beaver Meadow Cluster Subdivision – Town Planner John Charbonneau indicated that he received an email from a resident (included in the Boards packette) re: a performance bond for approximately \$11,300.00 relative to this subdivision. He stated a release of the performance bond was made back in the summer & there is an as-built road plan. When Mr. Charbonneau went out initially to inspect the subdivision, it looked fine, but the correspondence received from a resident indicates that there are issues. However, if there are drainage issues, it clearly states in the HOA documents

that the HOA is responsible for the maintenance of the swale. Mr. Charbonneau went out and inspected it with Dave Pichette, Conservation Agent. At the time, they could not see anything with the swale that is outside of normal maintenance. Mr. Charbonneau read the conditions of the approval to the Board and said, so, if they are having issues with drainage out there, its their responsibility to have it inspected and to determine the extent of the problems. Chairman Barrett informed Mr. Charbonneau that the request is for the street to be accepted. Mr. Charbonneau stated that in the email it does indicate issues and he wanted to discuss this prior to releasing the performance bond. Chairman Barrett said he did not think that there was anything left in the bond. Mr. Charbonneau asked the Board for their recollection and were there changes made. Chairman Barrett said that he thought all Mr. Charbonneau needed to do is respond to the resident and outline the process for street acceptance. Mr. Charbonneau stated, of which, he intended to do but he wanted to bring this up to the Board. Mr. Baptiste recalls something at the end of the cul de sac, a transfer of the property, or something, and that was not too long ago, probably 3 years ago, a road that was going to continue from Beaver Meadows. Mr. Charbonneau stated that in regards to the street acceptance, he spoke to Town Counsel today and he wanted to get some clarification because according to a local surveyor, it wasn't until recently, the last 5 years or so, the Town started requiring roadway as-builts as part of the subdivision. So, a lot of the subdivisions that go beyond 5 or 6 years, we don't have roadway as-builts on file. Discussion ensued regarding clarification of road acceptance and who is responsible when and if a road is wished to be accepted by either the developer or a resident. Mr. Charbonneau stated that Town Counsel told him unless when a performance bond is established on a subdivision, part of that performance bond has to specifically be noted for the layout for the metes and bounds description. If the performance bond did not specify that, then whatever money the Board is holding in a performance bond, cannot be utilized for that. Mr. Baptiste agreed and said that if you go back 20 years, you will never see a performance bond stating that the money, in that bond, was set aside for that purpose. Chairman Barrett indicated that it is necessary as part of street acceptance to either give the Board an as-built or certify that the road was installed according to the plan on file. Mr. Baptiste added, that, it also has to be up to a certain standard at that time of acceptance. Chairman Barrett informed Mr. Charbonneau and the Board that, in this case, they need to certify that it was installed and constructed according to the plan, they also need to inform the homeowners and the HOA. Mr. Charbonneau said that the Town Administrator told him was that even though the new Board of Road Commissioners, which would be myself, the Police Chief, Municipal Maintenance Director and 3 or 4 at-large residents, he doesn't believe that the Road Commissioners that were established by Town Meeting actually would oversee the process of road acceptance, that would still be with the Board of Selectmen. Chairman Barrett said that he believes road acceptance lies with Town Meeting. Mr. Slavin asked that the Town Planner obtain something from the Town Administrator and keep something on file.

Performance Bond Release – Whispering Pines Subdivision – Holly Tree Lane

Mr. Charbonneau stated that he spoke with Mr. Charles Rowley, and that there is a letter in the Boards packette dated January 13, 2012 to the Chairman from the

Town Planner informing the Chairman that he had received a request for release of the performance bond being held by the Town for the subdivision in the amount of \$10,770.51. Mr. Charbonneau assured the Board that he went on a site visit on January 11, 2012 and it appears that everything has been satisfied and he is requesting that the Board release the performance bond. Motion made by Alan Slavin to release the performance bond. Motion seconded by Charles Klueber. Vote: Unanimous (5-0-0).

Tractor Supply – Discussion - Town Planner John Charbonneau informed the Board that a letter was faxed to notify the Board that they will be coming to the Town shortly and Mr. Charbonneau said that they need to verify that the use that they are proposing is allowed by zoning. Mr. Slavin asked about dirt bikes, ATV's, etc., and the how's and if's concerning a sales license. Mr. Charbonneau referred to Myles Burke and Mr. Burke said that the sales license would come to the Board of Selectmen and the Special Permit process would go through the Zoning Board of Appeals. Mr. Charbonneau stated that he would prepare a letter on Wednesday and cc Mr. Burke just to make Tractor Supply aware that if they were to sell anything, it has to be registered, i.e., whatever meets the definition of a motor vehicle but the general retail component is allowed by right. Discussion ensued regarding the sale of dirt bikes, ATV's, etc. and if a license is necessary.

Form A – 74 Burgess Point Road, c/o Braman Surveying & Associates, LLC – The Town Planner advised the Board that a request for continuance was received for February 13, 2012.

Best Friends – Site Plan Review – status update

Best Friends – Chairman Barrett advised the Board that this project is on hold right now due to changes in the applicants plans.

Public Hearings

Site Plan Review – 189 Marion Road, c/o J.C. Engineering, Inc. Chairman Barrett asked the Board if they would be in favor of waiving the reading of the public hearing ad. The Board agreed. John Churchill of J. C. Engineering, Inc. introduced himself to the Board, for the record, and others, and informed the Board that this property is located at 189 Marion Road and the applicant wishes to relocate Brown's Liquor Store. Mr. Churchill discussed the size of the building, parking, easement (to be retained by Country Market), entrance and circulation for deliveries, proposal of one-ways, truck traffic, signage, etc. There is a landscaping plan, lighting plan, drainage in accordance with the Stormwater Management Policy, parking, aisle width, etc. The Town Planner asked about the rear of the site, the concrete brick walls, the existing conditions, what will happen to them. Mr. Churchill indicated that they would be removed off-site. Chairman Barrett asked if the parking was included in the impervious coverage calculations. Mr. Churchill indicated that the impervious area based on the drainage area, of which, is 53%. Discussion ensued. The Town Planner asked about the entrances. Mr. Churchill said that there is a concrete walk to the front entrance and after review and discussion of the plans, he said that there will be two front entrances instead of the one shown on the plans, a side entrance and the loading dock is in the rear of the building. Mr. Slavin spoke and could not be

heard ~ due to background noise on the tape. The Town Planner would recommend that all lighting along Marion Road and at the northeast corner of the property be shielded to prevent light spillage onto the roadway and across the property. Chairman Barrett suggested wall packs. Mr. Churchill agreed. The Town Planner asked about the notation regarding the existing house to be removed on the plans and to include the walls in the rear. Mr. Slavin asked about the existing house and if any historical (unable to hear). The Town Planner asked about the chain link fence with the plastic slats, he would like to see something like vinyl around the dumpster. Chairman Barrett stated that there is a note from an abutter and read it into the record to the Board and applicants. Concerns were lighting, landscape buffer and no noise out of any ordinance allowed as well as opposition to the proposed project due to traffic and accidents. Residents have the right to the quiet enjoyment of their homes and do hope this commercial enterprise will not remove this enjoyment. The Town Planner asked Mr. Churchill for more detail on the lighting plan. Mr. Slavin asked about the hours and what they may be. The Town Planner asked about the hours of construction and if the Board should limit the hours due to residential abutters. Chairman Barrett asked the Board what kind of direction they would like to proceed with. Mr. Slavin made the Motion to continue the public hearing to February 13, 2012. Chairman Barrett asked if there was anyone present in the audience that wished to speak. John Cronan, resident of Charge Pond Road, approached the Board. Mr. Cronan stated that he knows the business owner from when he was a former Selectman, he has reviewed the plan and is happy with the plans and that the applicant is essentially keeping their business in Wareham. The Town Planner indicated that the Board is looking for more details on the lighting, the loading area designated and noted on the Site Plan, the fencing around the dumpster, the dumpster relocated, hours of operation/construction, etc. Mr. Klueber asked if the plan was reviewed by the Fire Department. Mr. Churchill said no. Chairman Barrett indicated that the plan references a slab and not a basement. Mr. Baptiste asked where the canopy was going to be for the drive-thru (joke). The Town Planner also asked that snow storage be noted on the revised plan in the area where the concrete walls are currently. The motion was seconded by Mr. Baptiste.
Vote: Unanimous (5-0-0) to continue the public hearing to February 13, 2012 at 7:00 p.m.

CONTINUED PUBLIC HEARINGS

None scheduled.

ANY OTHER BUSINESS/DISCUSSION

The Town Planner wrote a memo dated January 11, 2012 to the Board regarding the budget and line items pertaining to conferences, training and travel expenses reimbursement will be level funded at best, therefore, any expenses incurred under these line items must receive prior approval. Also, the Board has reassigned Mr. Slavin to Tremont Nail Committee but he cannot find anything in the agendas and Minutes, so, if the Board could re-vote tonight so that it is reflected in the Minutes and he could send a letter to the Town Administrator. Chairman Barrett interrupted and said that this is not on the agenda. The Town

Planner stated it is in his Planner Report and under any other business. Motion made by Mr. Baptiste to appoint Alan Slavin to the Tremont Nail Committee. Motion seconded by Charles Klueber. Vote: Unanimous. (5-1-0). Alan Slavin abstained. (4-6-1)

TOWN PLANNER'S REPORT

Town Planner Charbonneau asked a resident in the audience to come before the Board regarding Zompa Way and the release of a 53G account. The individuals who originally filed for the subdivision came back and said that they were not interested in developing the subdivision. The property file was reviewed and there are some remaining monies in the 53G account. The roadway was waived in the conditions. Mr. Slavin asked that the Town Planner check on the By-Laws and see if the Board of Selectmen have to approve this. The Town Planner will check and see if the Board of Selectmen have to sign off before this is released, however, this will be on the February 13, 2012 agenda. The resident/applicant, Don Nunes indicated he needs something in writing for the bank from the town to release the covenant. The Town Planner indicated that he would write a letter to the applicants bank indicating that the only two conditions were the driveway lantern and fact that there could be no clear-cutting around the common driveway and that he has no intention of further subdividing. Chairman Barrett asked if the house would be on Lot 2. The applicant agreed. Motion made to agree to release the covenant on Lot 2 in the subdivision known as Zompa Way by Mike Baptiste. The Motion was seconded by Charles Klueber. Vote: Unanimous (5-0-0).

CORRESPONDENCE

In packettes

ADJOURNMENT

MOTION: A motion was made and seconded to adjourn the meeting.
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: _____

