

WAREHAM PLANNING BOARD MINUTES

Monday, February 13, 2012 - revised

7:00 P.M.

Memorial Town Hall ~ Lower Level Cafeteria

Wareham, Ma 02571

Members present

George T. Barrett, Chairman

Mike Baptiste, Sr., Vice Chairman

Alan Slavin, Clerk

Mike Fitzgerald

Members absent

Charles Klueber

Town Planner

John M. Charbonneau

The meeting was called to order at 7:00 p.m. by Chairman Barrett. Chairman Barrett asked if anyone was recording the meeting. There was no response.

Approval of meeting minutes – January 23, 2012 – The Minutes were tabled by the Chairman.

Form A – ANR – 32 Elmwood Street – withdraw plan/application – Chairman Barrett informed the Board that the Form A would not be going forward per request of the applicant.

Form A – 74 Burgess Point Road, Jack Grandmont, c/o Attorney Robert Perry – Chairman Barrett and Town Planner John M. Charbonneau informed the Board that the Attorney was on vacation and would not be present this evening.

Best Friends – Site Plan Review – discussion – John Churchill, J.C. Engineering, Inc. was present, as was Len Cubelis, representing the applicant. Town Planner John M. Charbonneau indicated to the Board that once the changes have been made to the plans and presented, the Board needs to decide whether or not the changes are a minor modification to the Site Plan approval or a major modification. If it is a minor, the Board can approve it without any public hearing, however, if it is a major then the public hearing needs to be reopened. Len Cubellis introduced himself to the Board and stated he was representing the owner, MCJ Management. Mr. Cubellis is an architect and construction manager. In order to achieve the budget requirements needed to make this project viable it is necessary to take a step back and look at the original design and rethink certain aspects of the project who are assessing the project and estimating the project, we determined that the design of the two story structure was resulting in the need of significant added cost items, namely, an elevator, stairs and also due to exit requirements, retaining walls. So, we took a different approach to it and modified the design to go from the two story structure that is a total of 13,630 sf down to a single story structure with a footprint of 10,000 sf., so the overall intensity of the size of the building, although the footprint is larger is significantly smaller in overall size of the structure. So, consequently, the design that you see a major impact has been that change from a two story to a single story and the elimination of the retaining walls. We have added some sidewalk, a drop off that allows parking and the parking is safer for the children. Certainly budget is driving this request for an administrative review of these changes in

addition to that we are on a significantly tight timeframe to try to get the school open by September 1, 2012 for the start of the school season, of which, has necessitated this resubmission, if you will and request. Mr. Churchill spoke in regard to the changes to the plan, i.e., the original plan had the building more site situated and we have shifted the building, parking area away from the wetlands to eliminate the retaining walls and added a drop off area and the gravel driveway as shown. The parking entrance and setbacks are better, the travel configuration is all the same. Mr. Churchill is hoping the Board will see this as a minor revision and if you recall during the public hearing process, I don't believe any abutters had any concerns regarding the project. Town Planner John M. Charbonneau asked what the change in the overall building footprint in square feet. Mr. Churchill answered that it was about 3,000 sf and 3,500 sf, so 6815 sf, approximately. The building basically got longer. The amount of students is 6 more, adding 2, so, a total of 154 students. There are 3 different age groups. There are 53 parking spaces on the site and the staff is 21. The Town Planner commented on the Conservation Commission's jurisdiction in regard to the 100' buffer and this is a factor, the Fire Department had comments about the road and the concern is that they are increasing the total building footprint by 3,100 s.f. Chairman Barrett asked about the issuance of an Order of Conditions. Mr. Churchill said that there is an Order of Conditions, however, we are getting further away from the wetland, this proposal is 45' from the wetland area. The Town Planner added that this is his concern, that if you are changing something about the project where there is an Order of Conditions, then I think Conservation may have some problems with that. Mr. Slavin said that he thought that since the building is actually farther away and with the gravel, you may have better drainage. The Town Planner answered stating that also is a concern because if you are having impervious surface where infiltration is not controlled and you have vehicles traveling over this, where you have a potential oil leaking, there is nothing stopping that from leaching into the wetlands, now there is no building between the gravel area and the wetlands. Chairman Barrett asked if this was always subsurface and was it on the previous plan. Mr. Churchill answered Chairman Barrett stating that the previous plan and pointed out on the plan shown where the subsurface infiltration area was and now they are putting it in a different area as shown to the Board. Mike Fitzgerald asked Mr. Cubellis to describe how the building internally may have changed, its now 9986 sf, but, how many classrooms, is there an auditorium, rooms where there would be a large congregation of people, etc. Mr. Cubellis said that it is really not set up that way so there is an after school gymnasium, if you will, but that gym would not be used when classrooms are being used. It is about 1200 sf. The Town Planner asked about the extra parking spaces and his concern was what if there was a function where it may exceed what normal parking is required during the day. Mr. Cubellis answered and stated that he believes the project is over parked for the actual use and would be glad to provide the spaces but in analyzing the use that Best Friends has and how it would be used, we really think we have more spaces than needed. We don't see the need for any kind of parking down at the cul de sac, we need to provide access for the Fire Dept., so, to your point about any kind of oil leakage, obviously anything can happen, but its not going to be road that is regularly used. If anything, possibly an approach that the Board may want to take where we provide less parking and demonstrate that it is there and can always add it but we are certainly comfortable with the parking shown. The main change in the building is really

two stories and a main aisle going down the center in the beginning and end of that building was an elevator and stair for handicapped access and an emergency access so what we have done is essentially eliminate those uses which eliminates the need for that square footage and we have made it longer but at the same time, we have made it 30% smaller overall. The way it is designed now is there is one major corridor, you walk into a reception area, from the reception area there is an Admin office and the teachers office and the Administrative office. There are five different classrooms on each side and on the end there are classrooms. The way the daycare regulations go depending on the age, it dictates the number of staff members that you need. Each classroom has a doorway now directly outside eliminating the stairs on a two story structure. Chairman Barrett recalled that the only input that the Board had was that Lot 1007, which was where the structure was. Mike Baptiste commented that the Fire Department is not going to have any access to the west side of the building. Mr. Churchill answered correct and also said that they (the Fire Department) request two sides of the building. Chairman Barrett said that the intensity of the use is pretty much the same. The Board further discussed the parking and playground areas. Mike Fitzgerald asked about the change in the lot line, the slab and the walk out basement, is the building going to be lower. Mr. Churchill said that when the retaining wall was eliminated, it reduced the amount of filling so by moving the building back and shifting it, it is lower than the adjoining lot. The change in the parking area is to bring the handicapped parking adjacent to the front door which resulted in the shift from the original design but the overall paving area is very close to what was existing. Mike Baptiste asked if the traffic flow pattern was changed. Discussion ensued regarding the buses dropping off students at the street. The Town Planner reminded the Board that he does not believe the Board can amend a recorded decision and the Board is amending an approved Site Plan. Discussion ensued. Mike Baptiste indicated that if the Board were to make modifications, input would be needed from other people involved, i.e., Conservation Commission and Fire Department. Mike Baptiste also asked that the School Department and/or Bus Transportation be spoken to about the drop off on the street. Chairman Barrett asked that a distribution be done to all pertinent departments for a quick review and the Board may be inclined to agree to a minor modification as long as the Fire and Police Department and Conservation Commission are ok with this and do not impose any unexpected conditions. Chairman Barrett asked if the Board would like to schedule a public hearing date at this point in case it is needed. Mike Baptiste said that it could always be cancelled (if not necessary). The Town Planner advised the applicant that all is needed currently is the legal ad, fee and abutters list. The applicant asked for the first meeting in March. The Town Planner indicated that the Board could do March 12th. Chairman Barrett asked the Town Planner what the deadline date is. The Town Planner said that it would be this Wednesday or Thursday to be put in the newspaper for next Thursday.

No Public hearings

Continued Public Hearings

Site Plan Review – William P. Hallisey, Jr., c/o J.C. Engineering, Inc., To construct a one story commercial structure with a building footprint of 6,080 sf with associated parking, utilities, drainage facilities and landscaping on the property located at 189 Marion Road (Assesors Map 60 – Lot B), Wareham, MA Motion made by Mike Baptiste to close the public hearing. Motion seconded by Mike Fitzgerald. Chairman Barrett informed the

Board that he did look over the previous concerns on this project, one of them being traffic concerns and the impact of the area that was the easement of the abutter. Mr. Churchill said that he recalled the discussion pertaining to the door, the slab or basement, it is a slab and not a basement so that should take away the questions about the sprinkler system and parking schedule. The schedule was submitted by the applicant of who, what time and when and what size truck. The Town Planner pointed out that the Board had asked to see in a notation that the block walls would be removed, the lighting details (and these were added). Wall packs and arborvitae have been added. The wall packs are 10 ft high and shielded. The fencing is cedar as requested. Chairman Barrett asked if the wall packs are needed on the residential side. The Town Planner discussed the lighting and spill over onto Route 6. Chairman Barrett asked about the overhead door area, is this at ground level or elevated and this is just a heads up. The Town Planner asked about the structure being demolished and it being over 50 years old and if the Board could continue the public hearing because he is on vacation next week and needs time to draft the decision. Chairman Barrett asked if there was anyone present that would like to comment on this plan. An abutter is concerned about lighting, putting mature arborvites in and does not want the trash truck coming at 6:00 a.m. because this is going to upset her lifestyle and would like the impact to be as small as possible. Chairman Barrett assured the abutter that he did read her letter into the record at the last public hearing. Discussion ensued regarding traffic and noise and a traffic light at Swifts Beach Road. Alan Slavin recommended a suggestion that the Board restrict commercial traffic in and out of the site at specific hours. The Town Planner asked the applicant about signage and producing it to the Board and also drafting a decision that the Board can review with the conditions that were discussed here tonight inclusive of the truck traffic and it would be reviewed at the next public hearing. Motion made to continue to March 12, 2012 at 7:30 p.m. by Mike Baptiste. The Motion was seconded by ~~Alan~~ (unable to hear). Vote: Unanimous (5-0-0)

Stonebridge Bistro/Marina – discussion pertaining to letter received. Chairman Barrett informed the Board that letters were received and the Board discussed the issues regarding the parking, deck and capacity. The Town Planner does not see this as a Planning Board issue because the number of parking spaces does not constitute a Site Plan Review.

Spring Town Meeting (2012) – discussion – Warrant Articles, Budget – Chairman Barrett asked if the Board wanted to correct the 10 space parking triggering Site Plan Review. The Town Planner offered to start looking at other Towns and see what they are doing. Chairman Barrett shared with the Board that perhaps prohibiting the construction, location, use of any elevated structure in Wareham waters to a point 500' ft back from the shoreline to avoid obstructing someones view. You have people paying higher taxes respectively to others because they are on the water and they have a neighbor that may not live there and could lease the land for something else.

Tri-partite agreement – discussion – Chairman Barrett explained that he had a request from an attorney to see if the Board would be able to use this. Basically, I wanted to alter it to say make such funds available to the Town of Wareham for completion, I would like to put it back on the lender and make them responsible. The Board received the tri-partite agreement and gave the Chairman comments. Surety is a false sense of security and look

at what the Town has been through already, we have had bonds with a P.O. Box, out of State and with an expiration date.

Sign-By-Law Committee update – Alan Slavin reported to the Board as to what has been accomplished with the Committee. Mike Baptiste suggested using the Town of Sandwich as an example. The existing bylaw punishes you from being in ----- said Chairman Barrett.

Consulting Engineer – status of RFP process - The Town Planner said that he sent an email out to the Committee members late last week asking to review the ten submittals because I was not successful in setting up a meeting to get everyone together. There was a Committee established to review the ten RFP's received for a Town Engineering Peer Review Consultant. The Committee is George Barrett, Ken Ferreira, Myles Burke, Mark Gifford and Walter Cruz. Chairman Barrett stated he has read some but not all of them. The Town Planner asked that the Committee send him the top four and then we will have those come in and set times for them to give presentations. Mike Fitzgerald asked if any were local and the Town Planner stated yes.

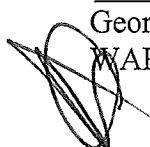
Town Planners Report – At the next meeting on February 27, 2012, I am almost done with it, we discussed having a policy for submission of ANR plans. The Town Planner will send that ahead of time to the Board and it is totally revamping the whole ANR section, the way it is submitted, etc. Chairman Barrett asked how are we fixed with the Wal Mart presentation. The Town Planner answered that it would be mainly traffic and they will be going to Conservation Commission on Wednesday night, so we should know a bit more of what Conservation Commission's view is on it. The Town Planner would like everyone to look at is an ANR that J.C. Engineering brought in and the situation is that there appears an existing lot line and if they square off the property and shape the lot like a triangle they would be requesting a waiver from the lot shape factor. This is a land locked parcel that could be labeled as non-buildable or the property line could be angled and meet the lot shaped factor. This is common ownership. Discussion ensued as to why and what can they put there, if anything and if the Board would be amendable to this. This is not a hockey stick shaped lot.

Also, the CPTC conference is taking place on Saturday, March 17, 2012 at the Hogan Conference Center at Holy Cross College in Worcester, MA. Anyone who wishes to attend, the deadline date for registration is March 9, 2012.

Meeting adjourned at 9:10 p.m. Motion made by Mike Fitzgerald. The Motion was seconded by Mike Baptiste. Vote: Unanimous (5-0-0)

Date minutes approved: 4-9-12

Attest: _____

 George Barrett, Chairman
WAREHAM PLANNING BOARD

Alan Slavin, Clerk
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 4-10-12 (b/s)

APR 10 2012
11:10 AM RB