

WAREHAM PLANNING BOARD MINUTES

Monday, March 26, 2012

7:00 P.M.

Memorial Town Hall

Lower Level Cafeteria

I. CALL MEETING TO ORDER - The meeting was called to order by Chairman Barrett at 7:00 p.m.

II. ROLL CALL

Members present:

George T. Barrett, Chairman

Mike Baptiste, Vice Chairman

Charles Klueber

Alan Slavin

Michael ^{Fitzgerald}~~Fitzpatrick~~, Associate Member

Town Planner:

John M. Charbonneau

Director of Inspectional Services

Myles Burke

Board of Selectman Liaison:

Walter Cruz

III. PRELIMINARY BUSINESS

a. Minutes to be approved: March 12, 2012 & March 19, 2012 – the Board agreed to table the Minutes.

b. Form A – Burgess Point Road – Attorney Robert Perry and Rob Braman, representated for the applicant(s), John and Marie Grandmont. Attorney Perry informed the Board that this is a Form A (ANR plan) on Burgess Point Road. The road is narrow but satisfactory and he tracked it back to 1832. For the record, Attorney Perry stated that letters were submitted from the Fire Department, Conservation Commission and Building Department. We are talking about ~~two~~ lots, my client, the Grandmont's house, and one other house and we are seeking the approval of the Form A plan. Chairman Barrett informed Attorney Perry that the issue that came up before, was, that the access to the existing house and the one beyond is over private property to an easement granted by the owners or previous owners of that property. Chairman Barrett said that Town Counsel has told us is that we cannot approve an increase of the use without that property owner agreeing to it, then adding it to the easement. Chairman Barrett further stated, "I believe there was another option and that if you went to the Land Court and found a history that the access to this was unlimited." "That may not be exact but, Attorney Perry answered, "that is the case but the fact that somebody cited in a deed and a right of way doesn't have ----"

The Town Planner said that the other issue is the fact that there was a variance by the Zoning Board of Appeals that limited access to the current residents and it granted them permission to go to the existing house without further development back there.

APR 10 2012

11:00 AM RB

Attorney Perry said that he saw that, he read that, he read Town Counsels, prior Town Counsels correspondence. Further discussion took place and the Town Planner said that he would talk to Attorney Bobrowski on Wednesday, the Board can re-visit this on April 9, 2012.

c. **Discussion – 14 Island Brook Drive** – the homeowner (*name given but could not hear due to background noise) was present and stated that she is the only person in the development that has an island in front of the driveway. Pictures were submitted to the Board members. The homeowner wants to have it removed. It is the largest island in the development. The Town Planner asked how long the homeowner has lived in the development. The homeowner stated 12 years. The homeowner stated that her house is on the market and it is difficult for people to get into the driveway without going down and around the cul de sac. Alan Slavin said that there are several issues and he asked the Town Planner to provide some paperwork, there is no homeowners association so there is no covenant, so the problem is we need to know who owns the strip of land, who owns the road, does the developer still own it. The homeowner said that she called the President of the construction company who built the development and he said he owns the land and has nothing to do who built the road. The Town Planner said that the other issue is even if there were conditions within the approval, the subdivision has been built and all the lots have all been released. So, any leverage that the Board would have had, there is no leverage to make the developer do anything because all the lots were released. Chairman Barrett asked the homeowner if she were seeking permission for the homeowner to remove the island. The homeowner said that in the winter, the snowplows plow all the snow on the island and then on the side of the street and it is hard to get out of the driveway. Chairman Barrett clarified that this is not a town accepted road so the Town would not bear the cost of removing this island. The homeowner stated that if the whole island cannot be removed, just the middle part is requested. Chairman Barrett informed the homeowner that probably the only people that are going to complain if you remove a piece of it to access your driveway is the homeowners association, which there is none. Chairman Barrett told the homeowner that they will do a bit more research on this. The Town Planner informed the Chairman that he has done a lot of research on this with the Registry of Deeds.

IV. PUBLIC HEARINGS

Public Hearing - 2384 Cranberry Highway – GAF Engineering, Inc. – the green cards were not in the property file. *Tape shut off. The Board voted to open and continue the public hearing without testimony until Monday, April 9, 2012 at 7:00 p.m.

Vote: Unanimous (4-0-0) *Note: Michael Fitzgerald recused.

V. CONTINUED PUBLIC HEARINGS

Continued public hearing – 189 Marion Road – J.C. Engineering, Inc.

Motion to close the public hearing was made by Alan Slavin. The Motion was seconded by Mike Baptiste. There was no further discussion.

Vote: Unanimous (5-0-0).

The Town Planner requested that the Board vote to endorse the Site Plan approval with the changes mentioned/discussed. Motion made by Alan Slavin. Motion seconded by Mike Baptiste. There was no further discussion.

Vote: Unanimous (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSION

The Town Planner reminded the Board that on Wednesday, March 28, 2012 at 6:30 p.m. there is a Joint Meeting with the Zoning Board of Appeals and also on the next agenda will be the changes for the ANR submission requirement.

Direction on the Associates Member position was discussed and Chairman Barrett indicated that he is looking for direction from the Board. Mike Baptiste recommends John Cronan, stating that he would be a great asset with his background and knowledge. Motion made by Mike Fitzgerald and seconded by Charles Klueber to nominate Mr. John Cronan to fill the Associate Member position. There was no discussion.

Vote: Unanimous (5-0-0).

Note: The Town Planner informed the Board that he would draft a letter on Wednesday to the Town Moderator on behalf of the Board and email it to her.

Myles Burke, Director of Inspectional Services, asked the Board about the FIRM map changes and scheduling any discussion. Chairman Barrett asked the Town Planner if there were questions on that and if there was an explanation for Town Meeting. The Town Planner told the Board that he had a conference call (Town Planner, Director of Inspectional Services and Conservation Administrator) and indicated that this is a housekeeping issue. They have been working on the changes for this for about 3 or 4 years, the changes are the changes and if the Town fails to adopt these changes by July, then it has some pretty significant ramifications for people that are currently in the flood insurance program. The people in the program, their policy would not get cancelled but when it came up for renewal, if the Town had not adopted these changes by then, then they would not be eligible to renew their policy at that time. Charles Klueber suggested that the maps be available for Town Meeting. Discussion ensued. Chairman Barrett said that if possible these maps should be in the lobby for Town Meeting. Alan Slavin said that an explanation should be provided in simple layman's language and perhaps put on the Town website and maybe have some handouts available and also put an article in the local newspaper. Myles Burke gave the Board an explanation of the FIRM changes, how they took place and the appeal period involved. This change will also affect Municipal Buildings if the Town is not complying with the FIRM rate map adoption and the loss of eligibility for grant applications.

The Town Planner informed the Board that A.D. Makepeace has asked that we not use Hancock Associates because they have had issues with them. One suggestion that I would make is there is nothing to prevent the Board from bringing on an individual peer reviewer outside of Hancock Associates for this project. One idea I had is potentially using Charles Rowley as the peer reviewer for the project. Discussion ensued regarding the RFP's and finalists.

a. TOWN PLANNER'S REPORT

The Town Planner informed the Board that A.D. Makepeace has asked that the Board not use Hancock Associates for the third phase of the Rosebrook project because they have had issues with them. One suggestion that the Town Planner made is that there is nothing to prevent the Board from bringing on an individual peer reviewer outside of Hancock Associates for this project. One idea is potentially using Charles Rowley as the peer reviewer for the project. Discussion ensued regarding the RFP's and finalists and peer review specialists, if needed. Chairman Barrett asked if the Site Plan could be sent to three different engineering companies. The Town Planner said that they could. There was further discussion. Chairman Barrett wanted to make the process clear to the Board and indicated that the peer review engineer works for the Board. Mike Baptiste said that this was part of the problem in the past before we went to a non-biased engineering firm. The Town Engineer depending on who he works for, if he was working as a Town Engineer, he would put on his Town cap, if he came in for the customer, the customers cap would be put on and the Engineer would fight for the customer and not the Town. It is a tough area and Mike Baptiste agrees with Mike Fitzgerald, you want a professional that can handle it, basically telling him what you want and that is what he does. The Board agreed that the Town Planner will send out a request for scope of services with a set of plans to three engineering firms.

VII. CORRESPONDENCE

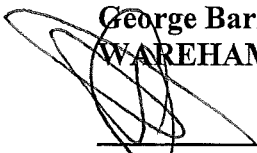
In member packettes.

ADJOURNMENT

A Motion was made to adjourn the meeting by Mike Baptiste at 8:45 p.m. The motion was seconded by Charles Klueber.

Vote: Unanimous (5-0-0).

Attest: _____

 George Barrett, Chairman

WAREHAM PLANNING BOARD

Alan Slavin, Clerk

WAREHAM PLANNING BOARD

Date minutes approved: 4-9-12

Date copy sent to Town Clerk: 4-10-12 (BLS)