

**WAREHAM PLANNING BOARD MINUTES**

**Monday, April 9, 2012  
7:00 P.M.**

**Memorial Town Hall  
Lower Level Cafeteria  
Wareham, Ma 02571**

**Members present:**

**Michael Baptiste, Chairman pro tem  
Michael Fitzgerald  
Charles Klueber  
Alan Slavin  
John Cronan, Associate Member**

**Members absent:**

**George T. Barrett, Chairman**

**Town Planner**

**John M. Charbonneau**

**Director of Inspectional Services**

**Myles Burke**

- I. CALL MEETING TO ORDER** – Chairman pro tem Mike Baptiste opened the meeting at 7:00 p.m.
- II. VERIFICATION OF MEETING RECORDING**
- III. PRELIMINARY BUSINESS**
  - A. Approval of meeting minutes – March 26, 2012 - Motion made by Alan Slavin to accept the Minutes as modified. \*correction to Mike Fitzgerald's name, change 2011 to 2012, inaudible on page 1 and Grandmont's applying for 2 added lots. The Motion was seconded by Charles Klueber. Vote: Unanimous (4-0-1).  
February 13, 2012 (revised) – Motion made by Alan Slavin to accept the Minutes. Motion seconded by Michael Fitzgerald. Vote: Unanimous and approved with amendment (3-0-2).
  - B. Introduction of new Associate Member – Mike Baptiste introduced Mr. John Cronan as the newly appointed member to the Planning Board, he comes from the Zoning Board of Appeals with quite a few years of service, and the Planning Board can use his expertise and welcomed Mr. Cronan aboard
  - C. Form A - Burgess Point Road – c/o Attorney Robert Perry – Attorney Perry expressed concern of the Chair not being present and not having a full Board. Mike Baptiste informed Attorney Perry that the Chairman was attending another meeting and may be late. Attorney Perry asked if he could wait. The Board agreed to table the Form A until later in the evening. \*request by Attorney Perry to be continued then withdrawn without prejudice.
  - D. Informal Discussion – 14 Island Brook Drive – The homeowner stated her name (inaudible) and the Town Planner advised that he had sent out a couple of emails and then spoke to Town Counsel in regard to this matter. Due to the fact that this is a private road and because

it is a subdivision that the Board holds no surety, the lots have all been released, this is a civil matter between the current homeowner and the homeowners in the subdivision. Discussion ensued regarding the subdivision and modification of the island and the right to pass and repass on a private road and how this affects the other homeowners in the subdivision. If the current homeowner wishes to pursue this she should contact the other homeowners within the subdivision and the Town Planner suggests contacting a Land Use Attorney for clarification. The Town does not bear the expense for a private road in a subdivision. The Planning Board and the Town Planner expressed that they have taken this as far as they can and that this is not a Town issue.

E. Form A - 44 West Central Avenue & 29 South Boulevard - The Town Planner advised the Board that this came before the Board previously but Attorney Fiset was told that he needed a variance from the Zoning Board of Appeals because of the non-conforming lots, of which, he has done and recorded. The Town Planner would like support from the Board to put a notation on the plans (mylar) prior to Attorney Fiset recording the Form A. Discussion ensued. Motion made by Alan Slavin. The Motion was seconded by Charles Klueber. Vote: Unanimous (4-0-0)

F. Tobey Road Right-of-Way Discussion- The Town Planner informed the Board that as part of the Wal Mart project, there are two land donations that need to take place, one on behalf of the Beatons and one on behalf of the Robertsons. The deadline for the Special Town Meeting was this afternoon and advised them both to do an Article for the Special Town Meeting and in separate Articles, rather than one. The Board discussed the background and timeline. Questions were asked by Board members to the Town Planner and the Board was informed of discussion between the Town Planner and Town Counsel. The Board voted to recommend favorable action. Motion made by Alan Slavin and seconded by Charles Klueber to support/recommend. Vote: Unanimous (4-0-0)

#### **IV. PUBLIC HEARINGS**

- A. In accordance with the provisions of M.G.L. Chapter 40A, §5 that the Wareham Planning Board will conduct a public hearing in the Lower Floor Cafeteria, Wareham Town Hall, 54 Marion Road, Wareham, Massachusetts, on **April 9, 2012, at 7:00 p.m.**, on the proposal to amend Article 222 and Articles 421-425 of the Wareham Zoning By-Law for the Town to be in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR) relative to changes being made by the Federal Emergency Management Agency (FEMA) to the Flood Insurance Rate Map (FIRM) or take any other action relative thereto. - The Town Planner informed the Board that the Conservation Agent, the Director of Inspectional Service and the Town Planner had a conference call with the State and this is a housekeeping article. This has been in the works for approximately four years now and should not come as a surprise but what we did find out is that basically, the Town (Town Meeting) has to adopt these changes. If they are not adopted by Town Meeting, by July 17<sup>th</sup>, it would put people at risk that have expiring policies, renewals, or a

new policy etc., they may not get coverage through FEMA, they have to go through a bank, a private entity to get it and it could be infinitely more expensive. Secondly, it disqualifies the entire Town until these get adopted from getting any disaster reimbursement from FEMA, it also disqualifies the Town from potential grants through FEMA. However, if adopted, anyone who maintains an active flood policy, if their property was put in a more sensitive zone, they will not be charged the rate of a more sensitive zone, they will be grandfathered in and they will be charged at the same rate as they were before. The Board recommended favorable action on Article 36. The Planning Board needs to give a report on this at Town Meeting. Motion to close the public hearing and to recommend favorable action. The Motion(s) were made by Alan Slavin and seconded by Charles Klueber. Vote: Unanimous (4-0-1).

- B. In accordance with the provisions of M.G.L Chapter 40A §11, Chapter 41 and Wareham Zoning By-Laws Article 15, the Wareham Planning Board will hold a public hearing on **Monday, April 9, 2012 at 7:00 pm** in the Wareham Town Hall Lower Level Cafeteria, 54 Marion Road, Wareham, MA 02571 on the application of A.D. Makepeace, LLC, 158 Tihonet Road, Wareham, MA 02571 for property known as Rosebrook Way, "Proposed Office Building at Rosebrook Business Park" at Rosebrook Way dated March 2, 2012 and prepared by Allen & Major Associates, Inc., 10 Main Street, Lakeville, MA 02347-1674. The applicant proposes to construction of a 52,000 square foot office building with 216 parking spaces and associated grading, drainage, utilities, landscaping and infrastructure. The subject property is further identified as Rosebrook Way (Assessor's Map 109, Lot 3) and is zoned Business Overlay District. After explanation and review of the plans, the Town Planner informed the Planning Board that the Board had directed him to send out the plans and a cover letter to three (3) Engineering firms. Responses were received by two firms. The Board may be inclined to recommend a Peer Reviewer for this project and another project as well. The Town Planner recommended that the Board choose to utilize both firms, one for each project. The Board voted to utilize Tibbetts Engineering for the Engineering Peer Review of this project. Motion made by Alan Slavin and seconded by Charles Klueber to utilize Tibbetts for the Engineering peer review. Vote: (4-0-0). The public hearing was continued to May 14, 2012.

#### **V. CONTINUED PUBLIC HEARINGS**

- A. In accordance with the provisions of M.G.L Chapter 40A §11, Chapter 41 and Wareham Zoning By-Laws Article 15, the Wareham Planning Board will hold a public hearing on **Monday, March 26, 2012 at 7:00 pm** in the Wareham Town Hall Lower Level Cafeteria, 54 Marion Road, Wareham, MA 02571 on the application of 2384 Cranberry Highway LLC, P.O. Box 100, West Wareham, MA 02576 for Site Plan Review Approval entitled, "Site Plan Development Plan at 2384 Cranberry Highway dated February 14, 2012 and prepared by G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571. The applicant proposes to construct two 20,000 s.f. buildings to be utilized for warehousing

and manufacturing uses allowed within the industrial zoning district located off Cranberry Highway with adequate vehicular, loading and pedestrian access as well as site landscaping and drainage. The subject property is further identified as 2384 Cranberry Highway (Assessor's Map 108, Lot 1001B) and is zoned Industrial. Note: Mike Fitzgerald recused himself and left the meeting. Motion made to continue to May 14, 2012 by Alan Slavin. Motion was seconded by Charles Klueber. Vote: Unanimous (4-0-0) Motion made by Alan Slavin and seconded by Charles Klueber to utilize Charles Rowley as the Engineering Peer Reviewer for this project. Vote: Unanimous (3-1-0) Mike Fitzgerald recused himself.

The Board took a five minute recess and then resumed to open meeting.

**VI. ANY OTHER BUSINESS/DISCUSSION**

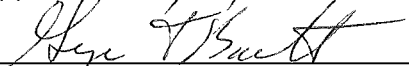
- A. Crane Landing Bond – The Town Planner addressed the Board with the bond amount (approximately \$103,000.00) and the amount of time the Town has had this on the books. The Board discussed that if they want to submit an alternate form, and a recommendation to the Board of Selectmen can be made by the Board.
- B. Tihonet Tech Park 53G Account – The Board voted to release the remaining funds in the 53G account. This project has been completed and the Town Planner is requesting the Board to release the remaining funds. Motion made by Charles Klueber and seconded by Alan Slavin to release the remaining monies in the Tihonet Tech Park 53G account. Vote: Unanimous (4-0-1).
- C. The Board discussed the public hearing for the Warrant Article concerning the rescission of the Wind Tower bylaw that was to occur at this meeting. Due to scheduling of several other public hearings, the Town Planner suggested to the Board members that the public hearing be opened and continued (without testimony) to Wednesday, April 18, 2012 at 7:00 p.m. in the Town Hall Auditorium. The Board members agreed and supported the Town Planner to continue this public hearing unanimously to Wednesday, April 18, 2012. Motion made by Charles Klueber and seconded by Mike Fitzgerald. Vote: Unanimous (4-0-0).

**VII. TOWN PLANNER'S REPORT**

- A. Peer Review Responses for Medical Office Building
- B. Town Engineering RFP Selection Process Update

**VIII. ADJOURNMENT – The meeting was adjourned at 8:30 p.m.**

Date minutes approved: 4/18/12

Attest:   
George Barrett, Chairman  
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 4/19/12 