

WAREHAM PLANNING BOARD MINUTES

Date of Meeting: April 18, 2012

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Members Present: George T. Barrett, Chairman
Mike Baptiste, Vice Chairman
Charles Klueber
Michael Fitzgerald
John Cronan, Associate Member
John M. Charbonneau, Town Planner

III. PRELIMINARY BUSINESS

A. Approval of Meeting Minutes: April 9, 2012

MOTION: Mr. Klueber moved to approve the meeting minutes of April 9, 2012.

NOTE: There was no second. Discussion ensued re: corrections & amending the motion relative to corrections. Mr. Klueber withdrew his motion.

MOTION: Mr. Klueber moved to approve the meeting minutes of April 9, 2012 as amended. Mr. Fitzgerald seconded.

VOTE: Unanimous (3-0-1)

Mr. Barrett abstained

B. Charles Simpson – Zoning Discussion.

Present before the Board: Charles Simpson

Mr. Simpson advised the Board of the history of the zoning and zoning changes which affects the value of his property. Chairman Barrett informed Mr. Simpson that the change from Strip Commercial to Residential was only a temporary change and that it is only temporary until someone changes it back. He stated the Board has attempted a couple of times to correct that zoning and he feels another attempt should be made again for the Fall Town Meeting (correcting the zoning from Charlotte Furnace Road to Doty Street which was changed to Residential on that side of the road).

Mr. Charbonneau stated he has never heard of a temporary zoning change on a property. He stated either the zoning is changed or the zoning doesn't change. He asked if there is any language, when this zoning change happened, that this was suppose to be temporary. Chairman Barrett answered no. Mr. Baptiste added that this was a recommendation put in by the West Wareham Strategic Planning Committee in or around 2006/2007. Chairman Barrett stated with the natural border of the river, it makes perfect sense that Mr. Simpson's property should go with the Commercial property and the river is a good buffer. Mr. Simpson stated his parcel is separate from any others. He has no residential abutters. He has the highway and NSTAR abutting his property.

Mr. Charbonneau stated he advised Mr. Simpson to come before the Board to gauge the level of support from the Board in pursuing rezoning multiple parcels in this area back to commercial. He questioned if this is something the Board would look favorably upon because obviously, it is something Mr. Simpson could do by citizen's petition or try and see if the Board would sponsor the change. Chairman Barrett stated the Board has tried and perhaps the Board could get some time from SRPEDD to get the description.

Mr. Baptiste added that one of the issues that did not get cleared up was the boundaries and the maps of the properties. Mr. Charbonneau stated he believes NSTAR withdrew the application for a cell tower. Mr. Simpson stated the proposed cell tower was going to be 12' from the fence. Mr. Charbonneau suggested the Board start working on this with SRPEDD so it can be placed on a future agenda & further, to start working on this for the Fall Town Meeting to get the descriptions proper. Mr. Simpson thanked the Board for their time.

C. Appointment to Tremont Nail Committee.

Present before the Board: Alan Slavin

Mr. Slavin informed the Board of the time involved and days of the meetings relative to a Planning Board member liaison to the Tremont Nail Committee. Discussion ensued.

MOTION: Mr. Baptiste moved to appoint Mr. Fitzgerald as the Planning Board liaison to the Tremont Nail Committee. Mr. Klueber seconded.

VOTE: Unanimous (4-0-0)

IV. PUBLIC HEARINGS

A. Site Plan Review – Project Half Shell, Inc./Quahog Republic – 197 Onset Avenue.

It was stated that this hearing has to be rescheduled due to a flaw in the posting. The public hearing will be re-advertised for May 14, 2012. Mr. Charbonneau advised the Board that after getting advice from Town Counsel today, it was best to re-advertise the public hearing to May 14, 2012.

Present before the Board: Myles Burke, Director of Inspectional Services

Mr. Burke commented that the applicant will not be doing any exterior work until they have Site Plan Review. The applicant is currently doing flooring and other interior work.

V. CONTINUED PUBLIC HEARINGS

A. Repeal of Wind Energy Facilities ByLaw in its entirety - Article 51 of the 2012 Spring Town Meeting Warrant.

It was stated the public hearing was opened on May 9th and the meeting notice was read and continued without testimony. Mr. Charbonneau explained this is a Citizens Petition article submitted by Brenda Eckstrom.

Present before the Board: Brenda Eckstrom

Mrs. Eckstrom was asked to give a presentation. Mrs. Eckstrom explained, if the Board recalls, last year there was a technical error because all the abutting towns are supposed to be notified by certified mail. When the article went to the AG's Office, she believes the Town of Carver objected to the Town repealing the Bylaw. Mr. Charbonneau stated he requested waivers from that requirement and every town except for Carver, even DHCD and SRPEDD, granted the waiver from that statute. Mrs. Eckstrom stated this same article was passed at Town Meeting last year and it has been brought back for reconsideration. Last year there was also a second part to repeal the Bylaw and to establish a study committee. Chairman Barrett noted the original bylaw was recommended by the School Department and involved any municipal property. Mrs. Eckstrom stated the problem was that the School Department initially said and did put this in because they wanted to supply electricity for the schools and this is how it was presented at Town Meeting. This passed at Town Meeting overwhelmingly. Unfortunately, the Town can't make a Bylaw that allows for municipalities to do something or schools to do something and not allow private entities to do the same. Discussion ensued. John Cronan added that wait until you get two or three of them and you have a particular applicant that says that you need to be 1900 feet apart and other towns only had to be 900 feet. So the technology is getting so good now, they are up in Alaska, but they can control them with a radio clicker and they are getting better. John Charbonneau said he thought the problem that everyone had with what the town of carver did and the problem that he had with what carver did is Mr. Berkowitz is on the payroll in Carver as a green energy consultant. Basically, what town counsel said is what they did was not illegal but it is unethical and that is the worry you have there.

Mr. Cronan asked about the proposed study committee. He stated the year is up. Mr. Charbonneau stated there is a report and he put together a power point presentation which he will be submitting to IT on Friday. He feels the job was to study the effects of wind turbines, positive and negative, and that's what the Town is going to record on. He stated there are some broad recommendations, for instance, any Bylaw written should include set standards, but it does not say what the setbacks or height limitations should be. He stated if there is a committee put together, this is what they will do.

Discussion ensued re: the WPCF and the proposed tower to be located on site. Mr. Cronan added that if Town Meeting repeals the Bylaw and there is not a committee put together or the Planning Board or something put together immediately to start developing a Bylaw, the Town will have to use the State rules because the Town does not have a Bylaw and if it is voted against and there isn't someone to start writing a Bylaw, the floodgates would be opened. He feels the scenic view is/has been underestimated.

Present before the Board: Myles Burke, Director of Inspectional Services

Mr. Burke commented on the committee and how it has worked hard & gathered a lot of information. He feels the Town will benefit when the Town does sit and study the information and issue closer.

Chairman Barrett asked if anyone was present that had any comments/questions. No-one came forward.

MOTION: Mr. Baptiste moved to close the public hearing on Article 51 of the 2012 Spring Town Meeting Warrant. Mr. Klueber seconded.

VOTE: Unanimous (4-0-0)

Mr. Charbonneau asked if the Board wished to vote Favorable Action or Unfavorable Action on this proposed article. Mr. Baptiste suggested the Board vote Favorable Action because the Bylaw has to be redone.

MOTION: Mr. Baptiste moved Favorable Action on Article 51 of the 2012 Spring Town Meeting Warrant. Mr. Klueber seconded.

VOTE: Unanimous (4-0-0)

Mr. Charbonneau stated he will draft the Town Moderator's report and the Board can submit something in writing and at the time the article comes up, he can get up and give a verbal commentary on the Board's vote and recommended action on the article.

VI. ANY OTHER BUSINESS/DISCUSSION

None.

VII. TOWN PLANNER'S REPORT

A. Master Plan Committee.

Mr. Charbonneau stated a memo has been sent to the BOS asking them to potentially reactivate the Master Plan Committee now that the Town has an Economic Development Director. The Town's Master Plan is from 1998; essentially 14 years old. Mr. Baptiste asked about the last committee. He stated there was a lot of time and effort put into the Master Plan and then it was put on the shelf. He noted every time the Master Plan was referred to, no-one could find it because the dust was too deep.

B. Town Engineering RFP Process Update.

Mr. Charbonneau stated recommendations have been received & interviews will be set up with the top two or three firms.

C. Active Project Peer Review Update.

There was no update.

VII. ADJOURNMENT

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

VOTE: Unanimous (4-0-0)

Date signed: 5/14/12

Attest: 

George Barrett, Chairman

WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 5/15/12 (bks)

