

WAREHAM PLANNING BOARD MINUTES

**February 24, 2014 @ 7:00 p.m.
Multi Service Center ~ Room 320
48 Marion Road
Wareham, Ma 02571**

CALL REGULAR MEETING TO ORDER @ 7:00 p.m.

Chairman Barrett called the meeting to order at approximately 7:05 p.m.

ROLL CALL

Members present:

George T. Barrett, Chairman
Michael A. Baptiste, Sr., Vice Chairman
Michael Fitzgerald, Clerk

Members absent:

Charles Klueber
John Cronan

Board of Selectmen Liaison

Alan Slavin

PRELIMINARY BUSINESS

Approval of Minutes – December 9, 2013 & February 10, 2014

The December 9, 2013 Minutes were reviewed by all Members.

Motion was made by Michael Fitzgerald to approve the Minutes as written. The Motion was seconded by Michael Baptiste.

Vote: Unanimous (3-0-0)

The February 10, 2014 Minutes were reviewed by the Members. Motion was made by Michael Fitzgerald to approve, as written. The Motion was seconded by George Barrett.

Vote: (2-0-1) Note: Member Michael Fitzgerald advised the Board of a correction, Member Michael Baptiste, Sr. was absent.

Chairman Barrett reminded the Board that the Form A (ANR plan) previously submitted on December 9, 2013 for the property located at 2298 Cranberry Highway was put on hold for information to be provided, or the Board should deny it, because, no one was present. The Board voted to send a letter to the applicant indicating a withdrawal or, if not, denial. Michael Fitzgerald believes the vote was two weeks later (December 23, 2013).

Invoices to be endorsed by the Board:

1. Ricoh USA, Inc. – copy/fax/scan machine for monthly lease (January & February)
Total due \$235.00 – Chairman Barrett will endorse the invoice for payment.
2. American Planning Association - APA Membership - \$350.00 – Chairman Barrett will endorse for invoice for payment.

Motion made and seconded to approve payment for Ricoh USA, Inc. and American Planning Association invoices.

Vote: Unanimous (3-0-0).

PUBLIC HEARINGS

NOTICE OF PUBLIC HEARING

In accordance with the provisions of Chapter 41, Section 81-T and 81-U, M.G.L., the Wareham Planning Board will hold a public hearing on Monday, February 24, 2014 at 7:00 p.m. in Room 320, at the Multi Service Center, 48 Marion Road, Wareham, MA 02571 on the application of Marlon R. Sheoytz, 9 Cahoon Street, Buzzards Bay, MA 02532 for approval of a definitive subdivision plan (Form C) entitled "Definitive Subdivision of "Cahoon Place" by Stephen Doyle and Associates, 42 Canterbury Lane, East Falmouth, MA 02536, dated December 30, 2013, located on 9 Cahoon Street, Wareham MA (Assessors Map 8 – Parcels 1041, 1042, 1043, 1050 & 1051) and showing 2 proposed lots.

A copy of the plan and application is on file at the Planning Department at Memorial Town Hall, 54 Marion Road, Wareham, MA and may be inspected during regular business hours. Any person interested or wishing to be heard on the proposed plan should appear at the time and place designated.

George T. Barrett
Chairman
February 6, 2014
February 13, 2014

The public hearing advertisement was read into the record by Chairman Barrett. The applicant's representative, Stephen Doyle, appeared before the Board. Mr. Doyle presented the proposed plan to the Board, explaining the intent. The owner of the property lives on site with a driveway access/way to go to the existing single family residence. The owner would like to create (1) one additional lot with 51,000 SF. The plan shows a (40') forty foot wide roadway with a hammerhead. The applicant is asking for waivers to use the existing gravel drive (back to 1929), indicates there are no drainage problems and once was a sandpit. The "parcel" shown on the plan is not buildable and the 13,000 SF is to be conveyed. The new lot is well buffered, the railroad is at the rear and the proposed location of the new structure was shown on the plan to the Board by Mr. Doyle. The water service goes down the driveway and will extend to the additional lot. The roadway name is pending.

Chairman Barrett asked the Board Members if there were any questions, adding, that, the applicant is looking to waive utility, drainage, street plans, roadway construction and street light and tree plantings.

Michael Baptiste asked what is on Map 8 – Lot 1053 and how do they get access. Mr. Doyle replied that there is a dwelling on that lot.

Michael Fitzgerald asked what does a private road mean and who owns it. The two ways, Anthony aka Mayflower and 10' and 15' show up best as private and are being used by residents. Lot 1053 comes off on Anthony. Lot 1040 shows as a 15' private way, so, what abutters have rights, and this could be a legal concern. Discussion ensued regarding the 10' path/right of way. Mr. Doyle stated that there is no intended use of these ways on this project and there will be on-site water and septic. Michael Baptiste asked what the zoning was. Mr. Doyle answered MR-30.

Michael Fitzgerald questioned allowing using a private way and how do you determine the need for frontage.

Chairman Barrett answered that, customarily with a small subdivision; the Board approves a new road layout with waivers.

Michael Baptiste added that conditions are added with restrictions of no further subdividing in perpetuity.

Chairman Barrett asked if the public had any questions and if you did, come forward, identify yourself and sign in on the sign in sheet provided.

Jim Franklin came forward to the Board, identified himself and stated that in hindsight, the road does not conform or match up, pork chop lots are a thing of the past and this will be a problem. The neighbors do not want this. The Fire Department (Onset 142) would have to be backed out all the way (should there be an emergency). This is a bad plan and is not good for the neighborhood.

Michael Fitzgerald stated that the biggest concern is public safety.

Jim Franklin agreed and said that animals, kids, the amount of recreation behind us would be too much and there is not enough land. The dump trucks would be backing up against my property. Mr. Franklin requested that the Board ask Chief Goodwin or McDuffy if there was a big concern.

Chairman Barrett asked how wide the existing driveway is, 10' or 15' and if this way too narrow for a ladder truck to go down. Chairman Barrett noted that Onset Fire did respond to the proposed subdivision, however, only in the matter of the street name.

Brian O'???, 8 Cahoon Road, asked if it is zoned MR-30, what is allowed for?

Chairman Barrett responded, that, MR-30 allows for multi- family, duplex or more than a duplex.

Brian O'??? added that the plan shows a 40 foot wide proposed road, Cahoon Road is only 18 feet and the pavement will not be 40 feet wide.

Chairman Barrett answered that Cahoon Road will be wider than the road layout on the proposed plan.

Brian O'???, so, this may turn into a bigger project with multiple allowed.

Chairman Barrett informed the audience that this project will be conditioned, if construction were to be involved with multi-family.

Jim Franklin asked what, exactly are the applicants trying to build, a single family house or subdivide, duplex lot in that zoning. The Engineer said that is the most.

Chairman Barrett replied that the plans show that it appears to be a single family and sell, however, the zoning warrants a duplex.

Michael Baptiste added that they need 45,000 SF for a duplex, they can build a duplex on that lot, knock down the existing single family residence and build another duplex. But, we can put conditions on this so that it is only a single family residence.

Jim Franklin added that the road does not come up to standard and the applicant wants to build a pork chop lot in the back.

Michael Baptiste responded, by right, he can subdivide, but we can condition the subdivision that the Planning Board can limit what he can do with it. The 150' shape factor was also discussed.

Jim Franklin asked if the intentions are single family and wants it in the record that it is a single family between the railroad tracks and existing house.

Mr. Doyle said that the lot that is being created is for a single family residence, it is not intended for a pork chop lot, they will waive in perpetuity the rights to a duplex and there is plenty of room to widen the roadway for emergency vehicles.

Chairman Barrett indicated that if there were any further subdivision, the road would have to be reconstructed.

Kevin Regan?? Advised the Board that M6 & M7 is my lot and this will border my property. This proposed road at some future date will be 40' wide. Cahoon is only 18'. I would be looking at a road instead of buds in a tree and also safety issues. Lot 1 is listed at 51,000 SF with a lot next to it. The plan seems to be laid out to be a lot more than what you see. What about my driveway and trees. I have been taking care of the lawn, plowing, etc. You will require 40 feet minimum, what would it realistically be, 20 feet? It is a long road going in, what about lights, a duplex or multi family, the lights will be all night long.

Chairman Barrett said that the proposed plan is for a paper street, the layout is suitable to make a roadway, but is not built. If we were to grant a waiver the lots will be conditioned as to what can be done. If they come back at a later date, to subdivide, or whatever, they would have to conform, 18' of pavement, sidewalks, etc.

Kevin asked about the lights and said that the houses are so close together that there is not enough room.

Chairman Barrett advised that this is why the Board has a driveway lantern covenant, each driveway lantern will stay on and these are not commercial street lights.

Chairman Barrett answered, that they may not have rights to do this.

Michael Baptiste referred to the 1950 layout plan and indicated that the lots in front and back may have the rights to use that. Lot 1053 - 3 separate lots - Lavallee - research in deeds, the ancient deeds may say right to pass and repass.

Brian - the elevation is 0, then becomes a cliff and drops down 15' - 20'.

Michael Baptiste and Chairman Barrett said no construction plans, no profiles and the plan would have to come back to the Board. What about the leaching fields and drainage issues.

Chairman Barrett said if they were to build a subdivision roadway, it will have to be self sustained with no runoff. Town sewer is a different can of worms, easements, etc., is beyond the scope of this Board. Past practice would say no sewer to one house, there is an existing gravel driveway, existing water and a proposed water line to the subdivision.

Brian - Shouldn't something be called a right of way for utilities, etc.

Mr. Doyle - There is no grand scheme to do anything out back here. Anthony is a private vs. public way, who has the rights to the roadway is a whole different matter.

Michael Fitzgerald addressed Mr. Doyle and asked to show where Mr. Reagan's house is and what is on the lot, the vacant lot. Mr. Reagan abuts the proposed road, M6 is the house location and M7 is the driveway, of which, abuts a 40' proposed road which is very close to the property line. This is a 102' wide lot, the driveway starts where and beyond the width of the driveway does not touch. There is no garage but there is a small shed. The two lots together equal 102' wide. Discussion ensued.

Chairman Barrett asked to please keep the conversation to a minimum. The applicant will need a roadway plan to waive other than the layout and does it include drainage as well. Yes, someone replied. If they use the gravel driveway, the driveway for the 2nd lot will be determined.

Michael Baptiste asked if Parcel A was transferred to Lot 1040. Yes, someone replied, it was conveyed to Lot 1040. The parcel fans out and goes 15 feet over a private road.

Chairman Barrett commented on the shape factor on Lot 1. The pork chop shape was out of necessity if the access is the way you propose.

Kevin asked about the roads, Anthony (private), right of way, what is stopping this person from wanting to use Anthony for town sewer, a 10' private road. This creates problems.

Jim Franklin – stick to the plan, we need a plan in place – Ladder 241 can make it in but can't make it out.

Michael Fitzgerald said the property has merit, the conversation of what plan is moving forward, i.e., safety, ladder trucks and there is an existing drive. If Lot 2 has a house fire, the fire truck needs to get there. On the locust it shows a small parcel A, transferred to Harbeck, this shows 2 sheds, whose sheds are these. A reply was, Harry's. Michael Fitzgerald further said that the Board needs more from the applicant/representative for a future plan and a great understanding from the neighbors.

Chairman Barrett indicated that the 1952 plan that the applicants representative has originally this plan had (6) six lots. Discussion ensued regarding the proposed roadway, lots proposed and the history of the plan.

Harry Harbeck, 17 Cahoon Road, said 17 Cahoon was 19 originally, and is looking to buy a parcel. Anthony's Way aka Mayflower, no one uses it except for existing residents, so, are these two separate issues or connected. Create different format to convey parcel via 81X?

Michael Baptiste answered, if parcel is to be taken off, a Form A (ANR plan) is needed and you would have to resubmit as a separate entity.

Chairman Barrett said that he feels that additional information is needed by the Board to give to the representative and to the public and that he will look at similar projects to see how much information is required for the road layout and specifications for a gravel driveway.

Michael Baptiste asked about copies of the ancient deeds.

Michael Fitzgerald asked Mr. Doyle about the existing driveway/specs/address issue and of safety factor of turn around for public safety equipment.

Jim Franklin asked the Board to keep in mind the conformance to the driveway, the pork chop lot and public safety when making a decision.

Mr. Doyle added that the more he needs to provide, the less incentive he has to ask for the waiver of construction of the roadway, Mr. Sheetz is the property owner and Melvin Gauley is the prospective purchaser.

Chairman Barrett indicated that there is no comments on the secondary street name of Marion Lane.

Jarod Lavallee asked why don't we have answers from the landowner as to what he is going to do.

Mr. Doyle answered, Mr. Gauley intends to build one single family residence and the homeowner is not at the meeting and I cannot speak for him. I didn't think of safety factors and did not state on paper what people are going to do.

Chairman Barrett said the requirements needed are for frontage and to create a lot and this is what the plan is proposing. The next meeting is March 10, 2014.

Motion made by Michael Fitzgerald to continue the public hearing to March 10, 2014. The Motion was seconded by Michael Baptiste.

Vote: Unanimous (3-0-0).

Chairman Barrett announced that the process will be continued to March 10, 2014 at 7:00 p.m.

CONTINUED PUBLIC HEARINGS - None

ANY OTHER BUSINESS/DISCUSSION

CPTC – Citizen Planner Training Collaborative is March 15, 2014

The Training Collaborative will take place at Holy Cross in Worcester, MA.

Member Michael Fitzgerald stated that he would like to go.

TDR – discussion from February 20th Workshop

Chairman Barrett wished to thank everyone for their input. He said that there were minor additions and input from the Planning Boards Engineering Consultant, Mr. Charles Rowley, Conservation Administrator, David Pichette, Zoning Board of Appeals Chairman, Kenneth R. Ferreira and Special Town Counsel, Jonathan Witten. The public hearing date has been set for March 17, 2014 (Alan Slavin) or March 24, 2014 at the Planning Boards regular meeting.

Set public hearing dates for Town Meeting Warrant Articles

Chairman Barrett and Board Members discussed the various Town Meeting Warrant Articles. Chairman Barrett advised the Board of Mr. Mulkern's proposed Warrant Article concerning derelict properties and whether or not a public hearing should be held. The proposed Warrant Article falls under Planning Board jurisdiction, however, is a citizen's petition.

TDR (Transfer of Development Rights)

Street Acceptance – Cranberry Lane

Street Acceptance – Lynne Road and Bachant Way – no public hearing?

(2) two petitioned Articles – David Fenton and check on other (Mr. Mulkern)

Motion made by Michael Fitzgerald to set the public hearing date for Town Meeting Warrant Articles for March 24, 2014. The Motion was seconded by Michael Baptiste.

Vote: Unanimous (3-0-0).

Chairman Barrett reminded the Board that there is also a Site Plan public hearing scheduled for Tobey Road & Cranberry Highway on March 24, 2014.

Chapter 91 Waterways License – 69 Oak Street

Chairman Barrett endorsed.

Chapter 91 Waterways License – 18 Pine Tree Drive

Chairman Barrett endorsed.

TOWN PLANNER'S REPORT - None

NEW BUSINESS (This time is reserved for topics that the

Chairman did not reasonably anticipate would be discussed)

RE: Copy machine invoice from Ricoh – Board of Selectman Liaison Alan Slavin will make a suggestion to the Town Administrator.

RE: Board of Selectman Liaison Alan Slavin was notified by the Attorney General that Articles 21, 22 & 23 were approved from the October Town Meeting. This includes the Medical Marijuana By-Law, Sign By-Law and ???

Also, copy of a letter sent to the Attorney General's office asking them to deem the Sign By-Law and strike down, of which, was submitted by the Lobster Pot owners, the Marina's was reviewed by the Attorney General and deemed ok. Mr. Slavin read the letter into the record.

RE: Special Town Counsel Jon Witten will be present for the public hearing on March 24, 2014 concerning TDR (Transfer of Development Rights)

CORRESPONDENCE

Correspondence from Wareham Fire District dated February 10, 2014, regarding Plan and Impact Statement Review – Retail at Rte 28 and Tobey Road

Read by Chairman and Board Members – no comment

Correspondence from Conservation Administrator dated February 13, 2014, regarding Wal-Mart Outparcel Site Plan Review application – Read by Chairman and Board Members – no comment.

Estimate for Peer Review for S & H Realty Trust – Discussion regarding application for sewerage on site and Wal-Mart Outparcel – only have sewer for Wal-Mart and not the Outparcel.

ADJOURNMENT

Motion made by Michael Fitzgerald to adjourn the meeting. The Motion was seconded by Michael Baptiste. The meeting was adjourned at 9:15 p.m.

Date signed: 6/9/14 3-0-2

Attest: [Signature]
George Barrett, Chairman
WAREHAM PLANNING BOARD

Date copy sent to Town Clerk: 6/12/14

