

**MINUTES OF THE WAREHAM REDEVELOPMENT AUTHORITY**

**Thursday, January 29, 2019**

**Time: 5:30 P.M.**

**Wareham Town Hall**

**54 Marion Road**

**Room 27**

**Wareham, MA 02571**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

Members present: Peter Teitelbaum, Chairman  
Kenneth Buckland, Clerk  
Derek Sullivan, Member  
Richard Swenson, Member  
Mary Bruce, Member

**I. PRELIMINARY BUSINESS**

**1. Approval of minutes of January 24, 2019**

**MOTION:** Member Bruce moves to approve the minutes of January 24, 2019. Member Swenson seconds.

**VOTE: (5-0-0)**

**II. AUTHORITY BUSINESS**

**1. Continued Discussion of articles for Spring Town Meeting**

Clerk Buckland states that at the Planning Board meeting last night Member Swenson did a wonderful job of presenting the Redevelopment Overlay District. The Planning Board would still like to wait until the Fall to hear this at Town Meeting. The Planning Board is still displeased about the Tremont Nail Overlay District and feels they Authority is rushing the approval of this Overlay District. Member Swenson feels there is an opportunity to come to an agreement with the Planning Board if they wait until the Fall. Chairman Teitelbaum states he feels this gives the Planning Board a broad range of control as the review committee. Chairman Teitelbaum feels they should take the week to have one-on-one discussions with the Planning Board to see whether or not they push they Overlay District for Spring Town Meeting. Member Swenson states he feels there is no pressure to have this on the Spring Town Meeting and would like the opportunity to build relationships with the Planning Board. Clerk Buckland states the Baker property could utilize the existing zoning.

Member Sullivan states if this waits until Fall Town Meeting then they will lose potential development this year. With the Opportunity Zone expiring within a year there will be a multitude of missed opportunities.

**2. Continued Discussion of CDBG and EDIC accounts and consultant contracts**

The Town Accountant has asked Clerk Buckland to have the accounts resolved, and the money is still frozen until the accounts can be resolved.

### 3. Discussion of RFQ for Tremont Nail Design Services

There are interviews scheduled for Tuesday February 5<sup>th</sup> at 2:00 and then again at 3:30 for the consultant contracts.

Also, Thursday at Glen Cove Hotel is the second Focus Group meeting with Frank Mahady at 9:00.

### 4. Discussion of downtown village redevelopment

The owner of the Baker property is ready to clear the site and advance with modification of the site. They would like to utilize the site as a marina and other uses.

### 5. Discussion of 200<sup>th</sup> Anniversary Celebration for Tremont Nail

Member Bruce recommends making an announcement and seeing who volunteers. Member Bruce recommends reaching out to Marie Oliva to see if she can aid in the process.

Chairman Teitelbaum recommends having the event in the summer. Member Bruce recommends having it in the fall since there is not a Cranberry Festival anymore.

### III. ANY OTHER BUSINESS/DISCUSSION (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

Member Swenson states he was curious about 4 Recovery Road. Clerk Buckland states that they received one response to the RFP from National Labs. They are willing to spend the money on rent that would pay back the loan from DHCD. Clerk Buckland has to check in with DHCD about the repayment of the funds, whether or not the funds need to be repaid immediately or if they could make payments on the loan.

### IV. CORRESPONDENCE

#### 1. Letters of interest

### V. SIGNING OF DOCUMENTS

### VI. MEMBER COMMENTS

### VII. ADJOURNMENT

MOTION: Member Bruce moves to adjourn. Member Swenson seconds.

VOTE: (5-0-0)

Date signed: 2/5/19

Attest: [Signature]  
Kenneth Buckland, Clerk  
Redevelopment Authority

Date copy sent to Town Clerk: \_\_\_\_\_

FEB 20 2019

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3.25

## MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: January 23, 2019

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 6:30 P.M.

### **II. ROLL CALL**

Members Present: Nazih Elkallassi, Chairman  
Jim Eacobacci, Clerk  
Jan Kendrick  
Jake Morrison  
Veronica Debonise

Also present: Kenneth Buckland, Town Planner  
Charles Rowley, Town Review Engineer

### **I. PRELIMINARY BUSINESS**

Mr. Elkallassi states that Jake Morrison is now a full-time member. Veronica Debonise has been appointed as a full-time member.

A. Approve meeting minutes: December 12, 2018

MOTION: Mr. Eacobacci moves to approve the minute of December 12, 2018. Ms. Kendrick seconds.

VOTE: (4-0-1)

### **II. PUBLIC HEARINGS**

A. 34-18 – Steven & Cheryl Yurasha – 9 Jordan Road

Present before the Board: Steven & Cheryl Yurasha  
Richard Serkey, Esquire

The public hearing is opened and read into the record.

Mr. Elkallassi must recuse himself from this matter.

Mr. Serkey is requesting to continue the hearing until there are five members present to review this application.

MOTION: Mr. Eacobacci moves to continue the public hearing until February 13, 2019.  
Motion is seconded.

VOTE: (4-0-1)

**B. 1-19 – Jessica Nassif – 34 Hammond Street**

Present before the Board: Jessica Nassif

Ms. Nassif is requesting an extension of the existing deck. There is a hand-drawn plan in the folder.

Mr. Elkallassi asks how far the deck is from the property lines. Mr. Eacobacci states if the plan is accurate the deck is 16' from the side property line.

Mr. Elkallassi states that this requires a surveyed plan.

Mr. Eacobacci states he would like to see pictures of the front and side of the property showing the proximity of the house to the property lines. Ms. Kendrick states she would also like to see photographs.

Present before the Board: Kathleen Coyle, 5 Independence Lane

Ms. Coyle is an abutter to the property. She states her living room looks over their yard and feels they should be allowed to expand their deck. Ms. Coyle states that 32 Hammond Street sent letters of support as well that she submits to the Board.

Mr. Elkallassi states he does not see a complication with this project once the proper plans are submitted.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until February 13, 2019. Ms. Kendrick seconds.

**VOTE: (5-0-0)**

**C. 2-19 – Amy Rossi & Richard Runci – 35 West Central Avenue**

Present before the Board: Margaret Ishihara  
Amy Rossi  
Richard Runci

Ms. Ishihara states the applicant is proposing to replace an existing screened porch with a new porch and deck as well as construct a garage.

Mr. Elkallassi states he feels the shape of the lot meets the requirements of the variance.

Mr. Morrison is concerned about the property being built-out to the property lines.

Ms. Kendrick states if it appears the abutters are in favor of this renovation then she could not see a reason to deny it.

**MOTION:** Mr. Eacobacci moves to close the public hearing. Ms. Kendrick seconds.

**VOTE: (5-0-0)**

**MOTION:** Mr. Eacobacci moves to grant a Variance based on the findings that under relief of Article 6 Table 622 the applicant meets the statute of a Variance based on the hardship of the uniqueness of the shape of the lot, and not being a detriment to the neighborhood, and does not derogate from the intent of the By-Law. Ms. Kendrick seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to approve a Special Permit with standard conditions. Ms. Kendrick seconds.

VOTE: (5-0-0)

### III. CONTINUED PUBLIC HEARINGS

#### A. 17-18 – RMRM LLC – 3035 Cranberry Highway

Present before the Board: Richard Serkey, Esquire  
Mr. Stella

Mr. Buckland states that this hearing should be re-started and re-applied-for as there is no longer a super majority of the Board that can vote on this matter.

Mr. Serkey reviews the application process and timeline. Given that there is not a five person Board present to hear this matter, and will not be a five member Board due to current circumstances, Mr. Serkey states they are petitioning for Constructive Approval.

The Board takes no action.

### IV. ANY OTHER BUSINESS/DISCUSSIONS

#### A. Correspondence

##### Upcoming Hearings:

February 27, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
February 27, 2019	#3-19	Variance	Joseph & Anne Gomes	22-24 Shangri-La Boulevard

##### Decision Deadlines

Special Permit – 1-15-19; Variance – 1-25-19	#17-18	Special Permit/Variance	RMRM Realty, LLC	3035 Cranberry Highway
February 19, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
Special Permit - April 23, 2019; Variance - May 3, 2019	#1-19	Special Permit/Variance	Jessica Nassif	34 Hammond Street
Special Permit - April 23, 2019; Variance - May 3, 2019	#2-19	Special Permit/Variance	Amy Rossi & Richard Runci	35 West Central Avenue

V. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.)

VI. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Mr. Morrison seconds.

VOTE: (5-0-0)

Date signed: 2-13-2019

Attest: James D. Eacobacci  
James Eacobacci, Clerk  
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: \_\_\_\_\_

FEB 20 2019 CMM 3:23

## MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: December 12, 2018

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 6:30 P.M.

### **II. ROLL CALL**

Members Present: Nazih Elkallassi, Chairman  
Jim Eacobacci, Clerk  
Jan Kendrick  
Wilma Engerman

Also present: Kenneth Buckland, Town Planner  
Charles Rowley, Town Review Engineer

### **I. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: November 14, 2018**

The minutes will be approved at the next hearing.

#### **B. #6-18 – 35 & 39 Priscilla Avenue – Minor Modification**

Present before the Board: Brad Bertolo, JC Engineering, Inc.  
Richard Smith

Mr. Bertolo states this site was previously approved to raze and reconstruct a single family home. The project was approved to encroach on the front yard setback. During construction, it was required to rotate the foundation, causing the foundation to be one foot closer to the front yard setback than what was previously approved. The applicant is requesting a modification for the Special Permit to allow for the structure to be allowed one foot closer to the front setback. The Board agrees this is a minor modification.

**MOTION: Mr. Eacobacci moves to approve as a minor modification. Mr. Morrison seconds.**

**VOTE: (4-0-0)**

### **II. PUBLIC HEARINGS**

#### **A. 34-18 – Steven & Cheryl Yurasha – 9 Jordan Road**

Present before the Board: Richard Serkey, Esquire

Mr. Elkallassi must abstain from this hearing.

Mr. Serkey states that the amended petition sought for relief, one for use variance for an in-law apartment and one for a shed. The applicants are submitting a letter of withdrawal for the variance for the in-law

apartment. The Yurasha's have filed and recorded a declaration of restriction, after which the Building Commissioner granted a permit of occupancy.

The second part of the petition for a Variance from the front setback requirements for a shed is requested to be continued.

**MOTION:** Mr. Eacobacci continues until January 23, 2019. Motion seconded.

**VOTE:** (3-0-1) Mr. Elkallassi abstains

### **III. CONTINUED PUBLIC HEARINGS**

#### **A. #23-18 -- Anthony Grosso -- 1 Rae Avenue**

Present before the Board: Anthony Grosso

Mr. Eacobacci must abstain from this hearing.

Mr. Elkallassi asks if Mr. Grosso would be willing to give the Board an extension until January. Mr. Grosso states he would like extend the hearing until February 27, 2019.

**MOTION:** Ms. Kendrick moves to continue until February 27, 2019. Mr. Morrison seconds.

**VOTE:** (3-0-1) Mr. Eacobacci abstains

#### **B. #33-18 -- Ninety Six, LLC -- Fearing Hill Road**

Present before the Board: Robert Perry

Mr. Perry does not speak this evening. Mr. Elkallassi states he will let the public know when this will be continued to.

#### **C. #38-18 -- Sunraise Development -- 2382 Cranberry Highway**

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.  
Joe Harrison, Sunraise Development  
Jim McCarthy, 2384 Cranberry Highway, LLC  
Dennis McCarthy, 2384 Cranberry Highway, LLC

Mr. Rogers states they had performed more imperviability testing and produced a supplemental drainage report. Mr. Rogers states they have also responded to Mr. Rowley's comments.

Mr. Rogers states in his mind, two issues remain. The stormwater issue and the screening issue.

Mr. Rowley states his concerns are the amount of glacial till on the site, which does not allow for infiltration. Mr. Rowley states he does not feel there has been sufficient testing of the lower soil layer to prove the site could handle the additional runoff. Mr. Rowley recommends that the Board keeps the upper layer vegetated about 100 feet in to allow for drainage on the site. Mr. Rowley states when that site was cleared previously the runoff was tremendous. This is in regards to the line on the south portion on the site abutting the trailer park. Mr. Rowley recommends limiting the construction in order to maintain proper drainage.



Mr. Rogers states keeping a 100' buffer would stop the project. Mr. Rogers states the applicant is before the Board with a court agreement between the McCarthy's and the Town stating that a solar project on this site will not be unreasonably withheld. Mr. Elkallassi states that is irrelevant to the Board.

Mr. Rogers states the basins have not changed since the submission of the project, infiltrating at ¼ inch an hour. The slowest actual rate was 1.8 inches per hour. Mr. Rogers states they are confident these basins will work.

Mr. Rowley states using the elevations shown on the plans, seeing where the elevations were compared to the modeling layer, the model of the over dig (drainage) was right at the modeling layer. There is water that travels with that modeling layer under the soil. The test pits did not go deep enough to test the modeling layer. Mr. Rowley does not feel the drainage could handle the runoff from the modeling layer as well.

Mr. Rowley feels clearing the site will affect the infiltration rate of the soil. Mr. Dennis McCarthy states they have had geotechnical engineers showing the rate of the drainage. Mr. McCarthy states he has been working on the site for 30 years and water does not come out of the side of the hill.

Mr. Rowley states he is not concerned of water coming out of the side of the hill, but is concerned the drainage basins could not handle the water coming from the model layer.

Mr. Rogers states he does not feel it is necessary to perform additional tests to find that 5 to 7 feet below the surface is where the water drains at less than ¼ inch an hour.

Mr. Rowley states that the initial calculations were done with a rate of .27 inches per hour infiltration, even with a 10 year storm two of the basins overflowed. Mr. Rowley states with the more recent tests when they recalculated using 1.83 inches per hour, even with a 100 year storm, the water never even came to the floor of the basin, which is incredible to believe.

Mr. Eacobacci asks what happens to the stormwater now.

Mr. Rowley states a lot of the vegetation at the top of the site holds the water. The stormwater currently goes into drainage basins, into the side slopes, through a stone swale, into a catch basin and ultimately into Route 28.

Mr. Elkallassi asks if there is away they could condition the approval to require a review of the stormwater.

Present before the Board:        Jim Moniz

Mr. Moniz states there is one area that will be visually affected by the view of the solar farm, and the minimum 50' buffer should be reconsidered. Mr. Moniz is concerned of the people living in the mobile home park and feels as though they should be considered so their property values aren't affected negatively.

Mr. Rogers states any water more than three feet below the surface is going to flow exactly as it does on the site now.

**MOTION:**        Mr. Eacobacci moves to close the public hearing. Ms. Kendrick seconds.

**VOTE: (4-0-0)**

**MOTION:** Mr. Eacobacci moves to approve the project under standard conditions as well as the conditions #6-#9 in Mr. Rowley's review letter dated December 20, 2018. Mr. Morrison seconds.

**VOTE: (4-0-0)**

**D. 17-18 – RMRM LLC – 3035 Cranberry Highway**

Present before the Board: Richard Serkey

Mr. Serkey requests a continuance to January 23, 2018.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until January 23, 2019. Ms. Kendrick seconds.

**VOTE: (4-0-0)**

**IV. ANY OTHER BUSINESS/DISCUSSIONS**

**A. Correspondence**

**B. Executive Session – Appeal of #2-18 – Dakota Partners – 3102 Cranberry Highway**

**Upcoming Hearings:**

January 9, 2019	#1-19	Special Permit/Variance	Jessica Nassif	34 Hammond Street
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**Decision Deadlines**

Special Permit – 1-15-19; Variance – 1-25-19	#17-18	Special Permit/Variance	RMRM Realty, LLC	3035 Cranberry Highway
January 15, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
November 30, 2018	#33-18	Variance/Appeal	Ninety Six Realty, LLC	Parcel A, Fearing Hill Road
January 22, 2019	#38-18	Special Permit/Site Plan Review	Sunraise Development	2382 Cranberry Highway

**V. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.)**

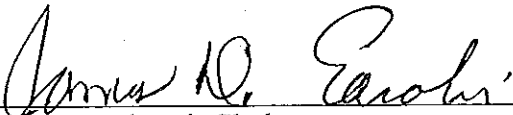
**VI. ADJOURNMENT**

**MOTION:** Mr. Eacobacci moves to go into executive session to discuss appeal of 2-18. Mr. Morrison seconds.

**VOTE: (4-0-0)**

Date signed: \_\_\_\_\_

Attest:

  
James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: \_\_\_\_\_

FEB 27 2010

# MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: October 24, 2018

## **I. CALL MEETING TO ORDER**

The meeting was called to order at 6:30 P.M.

## **II. ROLL CALL**

Members Present: Nazih Elkallassi, Chairman  
Jim Eacobacci, Clerk  
Karl Baptiste  
Jan Kendrick  
Wilma Engerman

Also present: Kenneth Buckland, Town Planner  
Charles Rowley, Town Review Engineer  
Paul Haverty, Attorney

## **III. PRELIMINARY BUSINESS**

A. Approve meeting minutes: October 10, 2018

MOTION: Mr. Eacobacci moves to accept the minutes as presented. Ms. Kendrick seconds.

VOTE: (5-0-0)

## **IV. PUBLIC HEARINGS**

A. #38-18 – Sunraise Development – 2382 Cranberry Highway

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.  
Joe Harrison, Sunraise Development

Mr. Rogers states that this site has very poor soils and does not have sewer on the site. Solar would be the best use of the property with those site constraints. Solar is not currently an allowed use in the industrial zone. In April 2018 the Town of Wareham had come to an agreement in Superior Court with the McCarthy's who own the property that the owners could apply for solar under the previous by-law as they were protected as an Approval Not Required subdivision.

Mr. Rogers reviews the plans for the project with the Board. The design was created to comply with the current by-law. Mr. Rogers states that the access around the property has been reviewed by the Fire Department. Mr. Rogers states they have submitted funds and are waiting for the review from Charles Rowley. Mr. Elkallassi states they will require a copy of the lease agreement for the property.

Ms. Engerman is concerned with the screening on the site.

Mr. Rowley states he would like to see test pits on the opposite side of the site as well.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until December 12, 2018. Mr. Baptiste seconds.

**VOTE: (5-0-0)**

**MOTION:** Mr. Eacobacci moves for Mr. Rowley to begin review of the project once the funds are available. Mr. Baptiste seconds.

**VOTE; (5-0-0)**

**B. #39-18 – Sign Design – 3066 Cranberry Highway**

Present before the Board: Ashley Hemenez, Sign Design

Ms. Hemenez is requesting a Variance for the sign size. The sign is in kind with surrounding commercial properties in the area and the sign that previously existed on the building.

The applicant is seeking to replace front and sidewall signs on an existing structure under a new business name.

**MOTION:** Mr. Baptiste moves to close the public hearing. Mr. Eacobacci seconds.

**VOTE: (5-0-0)**

**MOTION:** Mr. Baptiste moves to approve the Variance. Mr. Eacobacci seconds.

**VOTE: (5-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. #33-18 – Ninety Six, LLC – Fearing Hill Road**

Present before the Board: Robert Perry

Mr. Elkallassi states Mr. Bowen had discusses this with him. Mr. Buckland states in 2014 this parcel was shown as combined with other property on the lot. Mr. Elkallassi asks if Mr. Perry would mind continuing the hearing until they have a written statement from Town Counsel.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until November 14, 2018. Ms. Kendrick seconds.

**VOTE: (5-0-0)**

**B. #36-18 – Michael Saraiva – 15 South Boulevard**

Present before the Board: No one is present at this time

**MOTION:** Mr. Baptiste moves to deny with prejudice. Mr. Eacobacci seconds.

**VOTE: (5-0-0)**

**VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**

**A. #2-18 – Dakota Partners – 3102 Cranberry Highway**

Present before the Board: Peter Freeman, Freeman Law Group

Mr. Haverty states there is nothing new from what he noted at the last hearing, but Mr. Freeman did submit some revisions in the decision. Mr. Freeman states he had sent in a color coded decision. The Board reviews the changes proposed, changes the word security to surety. Minor technical wording is discussed without changed the intent of the conditions. Discussion ensues regarding wording and timing.

**MOTION:** Mr. Eacobacci moves to grant the Comprehensive Permit by Dakota Partners based on the conditions discussed at this hearing. Mr. Morrison seconds.

**VOTE: (5-0-0)**

**B. Correspondence**

1. See correspondence sent via email and/or in packets.

**C. Upcoming Hearings:**

October 24, 2018	#38-18	Special Permit/Site Plan Review	Sunraise Development	2382 Cranberry Highway
October 24, 2018	#39-18	Variance	Sign Design	3066 Cranberry Highway

**D. Decision Deadlines**

November 5, 2018	#2-18	Comprehensive Permit	Dakota Properties	3102 Cranberry Highway
Special Permit – 1-15-19; Variance – 1-25-19	#17-18	Special Permit/Variance	RMRM Realty, LLC	3035 Cranberry Highway
January 15, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
November 30, 2018	#33-18	Variance/Appeal	Ninety Six Realty, LLC	Parcel A, Fearing Hill Road

**VII. NEW BUSINESS** (This time is reserved for topics that the Chairman did not reasonably anticipate.

**VI. ADJOURNMENT**

**MOTION:** Mr. Eacobacci moves to adjourn. Ms. Kendrick seconds.

**VOTE: (5-0-0)**

Date signed: \_\_\_\_\_

Attest: \_\_\_\_\_

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: \_\_\_\_\_

FEB 20 2019