

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: June 8, 2016

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
James Eacobacci, Clerk
Wilma Engerman
Karl Baptiste
Jan Kendrick
Tim Lydon, Associate member
Ernie Aldan, Associate member
Jake Morrison, Associate member

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: November 18, 2015.

**MOTION: Ms. Kendrick moved to approve the meeting minutes of November 18, 2015.
Ms. Engerman seconded.**

VOTE: Unanimous (5-0-0)

B. Discussion w/ Charles Rowley re: Clean Energy – 127R Marion Road

Present before the Board: Charles Rowley, Engineer

Mr. Elkallassi stated he went by the site. He read Mr. Rowley's letter and everything seems fine. He explained that Mr. Rowley has stated the original order calls for a continuous buffer of landscaping along the fence line, but when you go to look at the site & enter the access road past the first solar field, there are areas that have natural vegetation. Mr. Rowley recommends leaving the natural vegetation and filling in the areas without natural vegetation. Mr. Elkallassi said this would be acceptable.

II. PUBLIC HEARINGS

A. Petition #21-16 - William & Annmarie Sampson – 4 Beaver Creek Lane

Present before the Board: Annmarie Sampson
Ms. Sampson's father

The applicant is requesting a Variance for an in-law apartment at 4 Beaver Creek Lane in a commercial strip zoning district. Ms. Sampson stated she bought the house with an in-law apartment already in the house and it was conditioned that when the house was sold, the previous Variance for the in-law would be void.

Mr. Elkallassi stated the Board will add the same condition to this Variance (that when the house is sold the next owners would have to apply for a Variance to use the in-law apartment). The regular conditions concerning the in-law apartment will apply. Three conditions will be placed on the Variance. The first being that the sale of the house will void the Variance and the next occupants would have to re-apply for the Variance. The second condition is being eliminated because Ms. Sampson already has an occupancy permit, so that is not required. The third condition is that the in-law is not to be used as a rental property at any time.

Present before the Board: Abutter

The abutter stated he doesn't see the hardship. Mr. Elkallassi stated the in-laws are in hardship, not the owners. He stated if the in-laws were to move out, the in-law apartment would not be able to be rented.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #21-16 – William & Annmarie Sampson. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to grant a Variance for an in-law apartment for Petition #21-16 – William & Annmarie Sampson with the findings that the petitioner's request will have no adverse impact on the neighborhood & the petitioner's request will not be contrary to the intent of the Bylaw, & further, the Variance is granted w/ the following conditions:

- All standard conditions relative to an in-law apartment shall apply.
- Upon the sale of the property, the in-law apartment shall revert back to a single-family use.
- No rental of the in-law apartment is allowed in the future & it is not to be considered a two-family structure, but an accessory apartment within the structure.
- All other standard conditions apply.

VOTE: (5-0-0)

B. Petition #22-16 – Peter Calitri – 23 Fisherman Cove Road

Present before the Board: Peter Calitri

The applicant is requesting a Special Permit to remove an existing cottage and replace it with a new cottage in the R-43 zoning district. Mr. Calitri stated there is a guest house that is pre-existing, non-conforming, that is in such disrepair it would be easier to remove and re-build the

guest house. He stated there are two single family homes on the property and he has no desire to rent the property.

Present before the Board: Susan_____, Abutter

The abutter asked if the proposed guest house will obstruct her view. She reviewed the plan and sees that it will not.

The Board members asked the petitioner to return with a plan of what is proposed to be built.

MOTION: A motion was made & seconded to continue the public hearing for Petition #22-16 – Peter Calitri – 23 Fisherman Cove Road to June 22, 2016.

VOTE: Unanimous (5-0-0)

III. CONTINUED PUBLIC HEARINGS

A. Petition #9-16 – Strategic Holdings – 83 Sandwich Road

Present before the Board: No-one was present to represent the petition.

MOTION: A motion was made & seconded to continue the public hearing for Petition #9-16 – Strategic Holdings – 83 Sandwich Road to June 22, 2016.

VOTE: Unanimous (5-0-0)

B. Petition #19-16 – J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth F. Tobey Rd.

Present before the Board: Matt Smith, Bohler Engineering
J. Donegan, J. Donegan Company
Sean Kelly, Traffic Engineer, Vanasse Associates

Mr. Elkallassi made the applicant aware that one of the Board members' term ends in June and that if they continue with the hearing, they can either ask the member to sit out or accept the Board member who is voted in (if he does not renew his term). The applicant stated they will accept which Board member is appointed if the current Board member does not renew their term.

Mr. Smith gave a brief presentation of the project by showing the aerial view of what is proposed and how the proposed driveway will align with the Wal-Mart driveway. He stated the existing buildings on the lot will be removed. There are five buildings proposed on the site with 46,000 square feet. There are 318 parking spaces on 8.5 acres. There is an 18,500 square foot Aldi Supermarket that will be the staple of the center. The other buildings will be filled by retailers or restaurants. He stated the access on Tobey Road will be an intersection and the access on Cranberry Highway will be a right in and right out. The applicant has discussed this with DOT and this is the most favorable arrangement. There is another access further up Tobey Road for delivery trucks. The traffic on the site is two way and there are sidewalks. There is a 5' change in

elevation on the site. They are proposing to tie into sewer and water on Tobey Road and they have begun discussion with the Sewer Commissioners. There are 80 trees and over 700 shrubs proposed on the site. Lighting plans have been provided. The lights are 28' in height and LED lights. The requirements of the State standard and local By-Law standards are met concerning stormwater. There are bio-retention areas up front that will be landscaped, an underground system in the parking lot and another in the rear.

Present before the Board: Sean Kelly, Vanasse Associates

Mr. Kelly stated they have conducted a traffic study of the site. The study focuses on weekday evening traffic from 4-6 and Saturday afternoon traffic from 11-2, the critical impact hours. The ADM Mixed Use project, the Rosebrook project and the S&H site have been taken into account for the traffic study. The study suggested that weekday car trips will be about 210,105 in and 105 out, and on weekends it will be 250,125 in and 125 out. Cars will be entering at 2 cars per minute and exiting at 2 cars per minute on average.

Present before the Board: Charles Rowley, Engineer

Mr. Rowley stated he did not get into the details of the drainage in case the layout and details of construction were presented. The applicant meets the minimum required parking spaces and does not exceed the maximum allowed impervious space. He noted two of the buildings on the plan are within 20 feet of the sideline from Tobey Road. According to the plan, the utilities for the buildings will be facing the road. Also, the deliveries for some buildings will be in front of the store and will block parking spaces.

Mr. Elkallassi expressed concern re: utilities and deliveries which is some of the reasons the Board would like architectural plans. Mr. Rowley stated although there is an area for deliveries for the grocery store, trucks will need to traverse through the parking lot to exit, which he feels is a concern. The site access on Tobey Road has limited access. There is a small section of access road where a small island cuts into the traffic lane slightly and this curbing detail could cause problems with plows. There will be a lot of delayed movements on Tobey Road once the development is completed. He stated holidays and in the summertime, there will be an increase in traffic that was not there in October during the traffic study. He also suggested a secondary access into Wareham Plaza from the rear parking lot. He suggested doing test holes in May and June, when the water table is higher.

Mr. Eacobacci asked if there will be a light at the intersection on Tobey Road. The applicant indicated there will be the ability to put in a light, but a light is not intended on being put in at this time.

Mr. Eacobacci asks how large 18,000 s.f. (for the proposed grocery store) comparative to a Shaw's. The applicant stated it is roughly the size of a CVS.

The applicant has submitted the plans to the Fire Department, but has not received comments yet at this time.

Discussion ensued re: the layout of the proposed buildings.

MOTION: Mr. Eacobacci moved to continue the public hearing for J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth F. Tobey Rd. to July 13, 2016. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

C. Petition # 20-16 – Chris Timson – 4 Cameron Street

The hearing was not opened at this time because the hearing has been posted for June 22, 2016.

IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Upcoming Hearings

June 22, 2016	Petition #11-16 (Cont.'d)	Anibal Barroso	3251 Cranberry Highway
June 22, 2016	Petition #23-16	Kenneth Monteiro	9 Camp Street
June 22, 2016	Petition #24-16	Christopher Rendel	7 Kingwood Street
June 22, 2016	Petition #25-16	Stephen Pratt	80 Papermill Road

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

III. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____