

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: July 13, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 6:40 P.M.

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
James Eacobacci, Clerk
Wilma Engerman
Jan Kendrick
Karl Baptiste (Arrived at 6:50 P.M.)
Jake Morrison, Associate Member

Members Absent: Tim Lydon, Associate Member
Ernie Alden, Associate Member

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: April 27, 2016 & May 25, 2016

MOTION: Mr. Eacobacci moves to approve the minutes of April 27, 2016 and May 25, 2016 as corrected. Ms. Kendrick seconded.

VOTE: Unanimous (4-0-0)

IV. PUBLIC HEARINGS

A. Petition #26-16 –Solbright Renewable Energy, LLC – 0 Squirrel Island Road

Present before the Board: Robert & Margaret Perry
Andrew Straight, Solbright Renewable Energy, LLC
Cal Goldsmith

The public hearing was read into the record.

The applicant is requesting to construct a solar farm at 0 Squirrel Island Road in the R60 zoning district. The proposed facility is 1.35 megawatts. It is approximately a 23.5 acre parcel. The project will use 7-8 acres of the parcel. There are wetlands on the site.

NOTE: Mr. Baptiste arrived at this time.

There is currently a 2.5 acre open gravel operation, which is not in use, on the site. The array will be fenced by a 7' fence.

Mr. Goldsmith explained the grading, drainage, proposed swales, and proposed stormwater systems. To achieve the grading they are not intending to add or remove material from the site. The panels sit 30" off the ground and pitch up to 9' off the ground. The properties in the back have been screened.

Brief discussion ensued & the Board members concurred the applicant will need to apply for a Variance for access/the driveway.

MOTION: Mr. Eacobacci moved to continue the public hearing to July 27, 2016. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

B. Petition #27-16 – Boone Ferri – 3127 Cranberry Highway

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

The applicant has requested a continuance.

MOTION: Mr. Eacobacci moved to continue the public hearing to July 27, 2016. Ms. Kendrick second.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

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

The applicant has requested a continuance.

Mr. Baptiste stated he does not wish to continue this public hearing any further. He would like to close the public hearing at this time. It was stated if the public hearing is closed, the applicant must re-apply to return before the Board.

MOTION: Mr. Baptiste moved to close the public hearing. Ms. Engerman seconded.

VOTE: (4-0-1)

Mr. Elkallassi abstained

MOTION: A motion was made & seconded to deny without prejudice, the application of Petition #9-16 – Strategic Holdings – 83 Sandwich Road.

VOTE: (4-0-1)

B. Petition #11-16 – Anibal Barroso – 3251 Cranberry Highway

Present before the Board: Attorney Richard Serkey

Mr. Elkallassi asked if the applicant had obtained proof that the original permit had been continued and not abandoned. Attorney Serkey stated he does have proof. He stated he has a letter from the Building Commissioner stating the applicant is seeking a pre-existing, non-conforming use and submitted a letter written to that effect. They have also procured a business certificate from a previous auto retailer dated November 6, 2013.

Attorney Serkey stated he also has RMV1 sale forms dated December 27, 2013, January 1, 2014 and February 12, 2014. Mr. Elkallassi recommended checking the RMV1 forms, as they are not stamped by the RMV.

After a brief discussion, the applicant requested to withdraw the application without prejudice as this is a pre-existing, non-conforming use and does not require a Special Permit.

MOTION: Mr. Eacobacci moved to allow the petitioner to withdraw the application without prejudice because the pre-existing, non-conforming use makes the Special Permit unnecessary. Ms. Kendrick seconded.

VOTE: (5-0-0)

C. Petition #19-16 – J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth Tobey Road

Present before the Board: Pat Smith, Bohler Engineering
J. Donegan, J. Donegan Company
Anne Ward, Beaton Property
Zach Richards, Bohler Engineering
Sean Kelly, Traffic Engineer

Mr. Smith reviewed the project with the Board. He pointed out there is a proposed bank in the plans, without a drive-thru. He stated if they do wish to put a drive-thru in, they will return to the Board for that at that time. He noted they have received a detailed review letter from Mr. Rowley which they will review w/ Mr. Rowley.

Mr. Smith addressed delivery routes for other stores, which were a previous concern. Mr. Elkallassi expressed concern re: the building layout. He feels this can be rearranged so they're not so close to the road. He also spoke re: the entrance and exit into the plaza. He feels it would induce accidents to have the entrance there. Discussion ensued re: the entrance and exit, road traffic, accidents, traffic lights, etc.

Present before the Board: David Beluchi

Mr. Beluchi expressed concern that the dedicated left lane is 10' and the right lane is 11' wide. Discussion ensued. The Board did not see a large concern with this.

MOTION: Mr. Eacobacci moved to continue the public hearing to July 22, 2016. Ms. Kendrick seconded.

VOTE: (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Upcoming Hearings

July 27, 2016	Petition #28-16	Lisa Simmons	2 Sixth Avenue
July, 27 2016	Petition #29-16	Keith Amado	312 Onset Avenue
July 27, 2016	Petition #30-16	Thomas Forend	19 Riverside Drive
July 27, 2016	Petition #31-16	Patricia Moncey	Appeal Decision of Building Inspector re: 41 Oak Street

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

VIII. ADJOURNMENT

MOTION: Mr. Eacobacci moved to adjourn the meeting. Ms. Kendrick seconded.

VOTE: (5-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____