

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: January 6, 2021

CALL MEETING TO ORDER

The meeting was called to order at 6:39 P.M.

I. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
Jim Eacobacci, Clerk
Veronica Debonise, Member
Richard Semple, Associate Member
Christopher Conti, Associate Member

Kenneth Buckland, Town Planner
James M. Munise, Board of Selectmen
Alan H. Slavin, Board of Selectmen

1. 2-18 Dakota Partners, Inc. – Insubstantial Modification Request – 3102 Cranberry Highway – Discussion and Possible Vote

Present before the Board:

Peter Freeman, Esq.

Attorney Freeman states he represents the applicant. He mentions that Dakota Partners, Inc. is the holder of a comprehensive permit that the Zoning Board of Appeals Board issued on October 24, 2018 to Dakota to develop a rental apartment project with 174 units at 3102 Cranberry Highway in accordance with plans referenced and approved and that took final affect after an appeal was dismissed and the permit was recorded on May 3, 2019. The Plan of Land was dated January 12, 2016 and was later revised through November 9, 2018 and endorsed by the Board on November 28, 2018 and then recorded on May 3, 2019. A further modification of the endorsed Plan of Land was endorsed by the Board on May 27, 2020 to provide for revisions to the Phasing Plan and the endorsed Plan of Land. The May 27, 2020 modification decision was recorded on July 17, 2020. The revised endorsed Plan of Land was endorsed and also recorded on July 17, 2020.

Attorney Freeman is behalf of Dakota now requests a further revision to the Phasing Plan and the Endorsed Plan. Attorney Freeman states he stands before the Board to request that the Board vote to determine that the revisions set forth in the materials he has submitted are insubstantial in nature and that the Board endorse the revised Plan of Land Sheet in the signature block he has provided.

In summary, Dakota requests that the notice of Project Change to adjust the phasing and configuration of the Project in order to allow for the opportunity to relocate current Motel residents to the building that will be completed under Phase 1 of the Project. He informs the

Board, under the current, approved phasing, the Motel would be demolished before completion of the Building to Phase 1, potentially requiring the motel residents requiring to relocate twice. He mentions that a determination that this Notice of Project Change is insubstantial would allow the Motel residents to stay in place until the affordable units in Phase 1 are completed.

Mr. Buckland states he had a long discussion with the Building Commissioner, David Riquinha, and in his opinion states he thinks, they are good to go. Mr. Elkallassi asks the rest of the Board, and they have no questions and/or comments.

Mr. Eacobacci joined the meeting at 6:39pm

MOTION: Mr. Eacobacci moves to grant the language to discuss the Bond with the Board of Selectmen. Ms. Debonise seconds.

VOTE: (5-0-0)

2. 20-19 Coastal Cultivars – Minor Modification Request – 23 Patterson Brook Road – Map 89, Lot 1005 – Discussion and Possible Vote

Present before the Board:

Krishna Gandhi, Coastal Cultivars

Mr. Gandhi is present today before the Board respectfully asking for a Minor Modification Request. He states this request for a revision is to an already approved site plan. The applicant is proposing to add seven pre-fabricated grow containers to the site measuring 8' x40", similar to the one that is currently on site now. He shares images on the screen for the Board and public what the storage containers look like.

He adds the containers are necessary to get the nursery stock of plants ready to plant to the outside greenhouses for the 2021 harvest.

Mr. Elkallassi asks Mr. Gandhi how long does he plan to keep these containers on site and he states they will be staying permanent.

Ms. Debonise asks what will be stored in these containers and Mr. Gandhi states the applicant is working towards the final design, permitting and construction of the proposed building but it will not be constructed in time to incubate the nursery stock and have it transferred to the outside greenhouses for the next grow season.

The applicant further mentions the proposed location of these containers is showed on the plan. Further conversation ensued.

The Board as a whole has questions regarding location of the trailers.

The applicant states location takes advantage of mostly unusable space to the rear of the proposes building. The location is over 400 feet from the cul-de-sac which is currently under construction. He also mentions the location is also directly behind the building , totally screening the grow containers from view. Mr. Gandhi adds mentions the containers will be

totally enclosed within chain link fence and will meet all security requirements as established by the Massachusetts Cannabis Control Commission.

Mr. Eacobbacci feels comfortable allowing the Trailers until the project is built and Mr. Semple agrees. The Board agrees it should be temporary.

MOTION: Mr. Eacobbacci moves to approve Minor Modification with conditions to remove storage container when the warehouse is built. Mr. Semple seconds.

VOTE: (5-0-0)

3. 21-20 Howard Marcley Jr. – Variance – 10 Thirteenth Street – Map 1, Lot 344 – Request for Waiver of Filing Fee

MOTION: Mr. Eacobbacci moves to waive application fee. Mr. Conti seconds.

VOTE: (5-0-0)

II. CONTINUED PUBLIC HEARINGS

1. 22-20 Frederick Mannix – Variance & Site Plan Review – 238 & 240 Sandwich Road – Map 133, Lot(s) 1100A & 1101A

Present before the Board:

Jilian Morton, Esq.
Frederick Mannix, Applicant

Mr. Mannix mentions that he is grateful for the opportunity that the Board has given him. He has a better understanding and approach. He also thanks the neighbors as he has made some changes and is now ready to submit the Plans for the Board to review. Mr. Mannix mentions he intends to meet for the Fire Department as well, hopefully in the upcoming week.

The plans are shared on the screen with the Board.

Mr. Elkallassi asks the applicant if he has had any discussion regarding parking spaces with the Building Commissioner and Mr. Mannix states that although a lot of this is preliminary, he does intend to meet with him when there is also more concrete direction, which is why he is before the Board today.

Mr. Mannix continued with the presentation in detail.

Ms. Debonise likes the changes but would like to see what the landscaping would be as well. Mr. Elkallassi adds that he feels that the gables is excessively high and too invasive. Mr. Semple questions Mr. Mannix on the railing surrounding the solarium, and Mr. Mannix Explains. Mr. Conti feels as if the footprint is big for the land as well and a bit out of place in his opinion.

Ms. Debonise, Mr. Semple, and Mr. Conti all feel that the building is too excessive for the area, and too high. Mr. Eacobacci is comfortable with what he sees and would like to see him go forward.

Mr. Mannix provides feedback on the height.

Present Before the Board: Moreen Caliri, 8 Cranberry Grove Way

Ms. Caliri is in favor of the project. She finds the building to be very attractive and aesthetically pleasing. She loves the look of the solarium and states it is a great addition to the Town. She personally states if she had a family member, she would want it to be a place that would like this one.

Present Before the Board: Chris Smith, Captain, Wareham Fire Department

Captain Smith asks Mr. Buckland to display the site plan and states he has a few concerns. He does not see a place for the ambulance and expresses this to be very serious as he compares this with another assisting living facility that is close in proximity and is very active with emergency calls.

Mr. Buckland read a letter from an abutter, Nancy Angus, into the record. She feels as if the project is grossly out of scale.

The Board directs Mr. Mannix what they feel and what they think is best. Height was definitely an issue.

Mr. Mannix finalizes his portion of the discussion by saying he is going to continue to submit what he intended to do and see what happens. He has not changed his mind.

MOTION: Mr. Eacobacci moves to continue the discussion to January 13, 2021. Mr. Conti seconds.

VOTE: (5-0-0)

2. 26-20 Kevin Nickerson – Variance – 3 Oakhill Road – Map 39, Lot T-5

No parties present before the Board (Applicant requested continuance for 1/27/2021)

MOTION: Mr. Eacobacci moves to continue the public hearing To January 27, 2021. Mr. Conti seconds.

VOTE: (5-0-0)

3. 27-20 JCMA Realty LLC., John Salerno – Variance – 169 Onset Ave. – Map 1 Lot B

Present Before the Board: Jilian Morton, Esq., 184 Main Street, Wareham
John Salerno, 167 Onset Avenue

Attorney Morton states she is representing the applicant, Mr. Salerno whom is proposing to construct a two (2) bedroom, two (2) unit residential building in the heart of Onset.

Her client, Mr. Salerno is the owner of the Glen Cove and Mark Anthony's restaurant, both staples to the other expanding and growing on Onset Village. She adds that the Salerno's have been highly invested in the economy of the village and taken care to be mindful of the needs of the community.

Attorney Morton, mentions that Mr. Salerno is now before the board seeking to take the vacant lot next to his hotel and construct a two-story residential unit where he will live on the first floor and rent the second story. She proceeds to state they are seeking a variance.

Attorney Morton continues to emphasize that if her client is denied the variance he is seeking, he will not be able to build his two units as desired and unable to add a source of income with the property or his own residence. Its location to the hotel makes it ideal for Mr. Salerno as a business owner to be physically close to his business, a business owners dream.

She understands that parking has been a huge concern with a lot of abutters, but she adds that she is a resident herself, and all things considered allowing this variance would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law.

Mr. Elkallassi asks the Board for their opinion. Ms. Debonise feels that in her opinion, the design of the building is beautiful, her only concern is still the parking. Mr. Semple states he has nothing to say at the current time. Mr. Conti also likes the look of the building. Mr. Eacobacci appears to be offline.

Mr. Elkallassi reminds the board that this lot is grandfathered in for a duplex, they are not granting a second unit, what the board is granting is a variance for the size, bigger than what its allowed.

He states He has driven by many times and is in favor of what is being presented

Present Before the Board:

Residents at 16A Ocean Avenue

The resident speaks regarding the comments regarding the parking. Mr. Elkallasi states that the lot is grandfathered in. Ms. Morton also weighs-in addressing the concerns

Mr. Riquinha, Building Commissioner, speaks into the record. He asks the Architect to pull up the Site Plan. He brings the attention of everyone to Map 1A Lot A, just to the right of that is the boundaries of the subject property, he states, the four parking spaces are on the subject property and this is a conforming parcel and you cannot penalize this property. It is a conforming lot. The only issue on this application is the F.A.R.

Present Before the Board:

Robert Perry, Esq.

Agrees parking is very serious in this area, and if he Board permits this building, it will be illegal and overturned. He asks that this Variance not be granted.

Attorney Morton asks for five minutes to speak to her client.

Attorney Morton Came back with her Client and tells the Board they have decided they would like to have the Board make a vote and not continue to a different night.

There is more discussion back and forth with the abutters, Attorney Perry, and Attorney Morton regarding the Statutory in which Attorney Morton clarifies.

MOTION: Mr. Eacobacci moves to close the Public Hearing. Mr. Conti seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant relief for F.A.R. per request with standard conditions based on the finding that Attorney Morton stated. Mr. Conti seconds.

VOTE: (4-1-0) Veronica Debonise Denied

4. 30 -20 Pennrose LLC. – Comprehensive Permit under MGL Chapter 40B – 4 Littleton Dr. – Map 56, Lot 1

Present before the Board: Paul Haverty, Counsel
Charlie Adams, Pennrose, LLC
Ryan Kiracofe, Associate Developer Pennrose, LLC

Mr. Adams states since they last met, they are working on the Storm water Report and have also established the Peer Review Account. He mentions the Board should have a packet before them along with a list of waivers.

Attorney Haverty states he has taken the time to review the list and will be discuss them in detail with the Board as soon as he is able to do a screen share.

Mr. Elkallassi asks the Pennrose team if they have any feedback from the Sewer Commission ad in the interim, Mr. Adams states they had tried to reach out but were unsuccessful, because Mr. Guy Campina was on vacation.

Mr. Adams highlights, Pennrose has created a Web Page for people who would like to know more about the development that lists dates of meetings and also allows for people to add their names for leasing down the line if they are interested along with the Teams' contact information for anyone with questions.

Mr. Haverty discusses the waivers in detail with the Board.

Mr. Elkallassi decides the waivers need to be discussed with the Building Commissioner and move on to the Site plan and discuss fencing to please neighbors. The discuss the exit on Nicholas Dr. and are waiting to hear back from the Fire Department. Mr. Adams states they are working on addressing all the concerns and one will be an additional means of egress. There is a list of concerns that Pennrose received from the Fire Department. The list is screen shared and discusses with the Board that they are happy to work on.

Many abutters have the opportunity to speak and raise their concerns to the Board. There are many concerns regarding heavy traffic, water flow, impacts, and other infrastructure concerns.

MOTION: Mr. Eacobacci moves to continue the public hearing To January 13, 2021. Mr. Conti seconds.

VOTE: (5-0-0)

III. PUBLIC HEARINGS

IV. ANY OTHER BUSINESS/DISCUSSIONS

1. 13-19 2416 Cranberry Hwy., LLC. / Nouria – Minor Modification Request

Even though there are no plans before the Board, Nouria is looking to add two (2) EV charging parking spaces. The Board feels this should be a Minor Modification.

MOTION: Mr. Eacobacci moves to approve the minor modification request. Mr. Semple seconds.

VOTE: (5-0-0)

I. ADJOURNMENT

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

VOTE: (5-0-0)

Date signed: 2-17-2022

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

WAREHAM TOWN CLERK
2022 FEB 17 PM 12:40

Date copy sent to Town Clerk: _____