

MINUTES OF MEETING OF WAREHAM ZONING BOARD

Date of Meeting: March 22, 2023

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, Acting Chairman this evening.
Veronica DeBonise
Troy Larson
Richard Semple
Mr. Morrison (arrived at 6:57 p.m. via Zoom)

Absent: None

Jonathan Dickinson, Assistant Town Planner was also present.

III. PRELIMINARY BUSINESS

A. Meeting Minutes – March 8, 2023

MOTION: Mr. Eacobacci had a few amendments. Mr. Elkallassi was present and not on zoom. He made a change regarding the sentence of ‘housing’ was said by Mr. Elkallassi and not himself. With the changes, Mr. Eacobacci made a motion to approve, and it was seconded by Mr. Semple. The motion passed unanimously. (5-0-0); with Mr. Larson as Associate Member sitting in as a voting member for Mr. Morrison, who was not present as of yet.

IV. CONTINUED PUBLIC HEARINGS

1. 4-23 True Storage, LLC – Site Plan Review – 2400-2402 Cranberry Highway – Map 108, Lot 1002B1, 1002B2, 1002D

Present before the Board: Attorney Dennis Conroy, Emil Bouchard and Sean McDowell (Engineer).

Attorney Conroy reviewed the project with the board and the dates that coincided with the project and an appeal that was filed. He said they were asking for an extension of the variance for six months from April 13, 2023.

Mr. Eacobacci made a motion to extend the variance for six months from April 13, 2023, and was seconded by Ms. DeBonise. The motion passed unanimously. (5-0-0).

Mr. Conroy continued on the site plan review request. He said their engineer has reached out to the new Town Engineer, Phil Cordeiro. He reviewed the project to install a 60,000 sq foot building for self-storage at 2400-2402 Cranberry Highway. He reviewed the peer review letter from their engineer.

Mr. Conroy said they did address the issues that the Town Engineer was relating to. He said the 'ground water overlay district' stated that the whole Town needed to adhere to this district. Mr. Conroy said that this property is in zone 2 and not part of this overlay district.

Mr. Conroy confirmed they do have a storm water management program overview.

Mr. Conroy said the second issue was the setback. He said Mr. Cordeiro took the position that there was supposed to be a 50' setback in Industrial District.

Mr. McDowell said that the 50' setback was a buffer to Route 28.

Mr. Conroy said that they are a public business and want the public to be able to see them. He said he thought that the 50' buffer zone is used more to shield businesses.

Mr. Elkallassi said the board needs to confirm if this project is an Industrial or Commercial use.

Mr. Larson said that he felt it was more a commercial business, not industrial. Ms. DeBonise said she would like more time to review the type of building, but she too thought it commercial. Mr. Eacobacci stated he didn't feel it was industrial either. Mr. Semple and Mr. Elkallassi stated they also felt it was Commercial.

Mr. Jacob Morrison was on zoom at 6:57 p.m. He also agreed he thought it was commercial use.

Ms. DeBonise asked about the property behind them and what would be facing that property.

Applicants said they were waiting to retain an architect for a landscaping plan. They said they are waiting for a few more comments from the Town's engineer for review. They said many of the comments were related to the storm water. They discussed parking space of twelve, including employee parking. They said they have 450 total storage units available.

Mr. Buckland was present via zoom and pointed out about parking that there are four parking spaces there now and that the Fire department will exclude areas where parking won't occur.

Mr. Elkallassi asked them to show where the parking would be for customers to load/unload and where the fire truck would be able to get in and around.

Ms. DeBonise asked about people dumping and if they have dumpsters on the property. Mr. Bouchard said they do not have dumpsters on the property, as if they did there would be stuff just piled around it and in it, so they don't have any.

The board reviewed what was due at the next meeting, including lighting plans, landscaping, Fire department access, drainage plans, and parking.

MOTION: Mr. Eacobacci made a motion to continue 4-23 True Storage, LLC to April 26, 2023, and was seconded by Ms. DeBonise. The motion passed unanimously. (5-0-0).

2. 5-23 6 Chapel Lane, LLC – Comprehensive Permit/40B – 6 Chapel Lane – Map 43, Lot 1036, 1037A, 1039, 1040A & 1041A

MOTION: Mr. Eacobacci made a motion to continue 5-23 6 Chapel Lane per the applicant's request which was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

Ms. DeBonise asked why so many large printed plans were needed for every applicant.

Mr. Buckland, via Zoom stated that the zoning by-laws says that there need to be 13 plans submitted; but he said that's under change to go in the rules and regulations for Town Meeting.

V. PUBLIC HEARINGS:

1. 8-23 Barber Investments, LLC – Special Permit – 2286 Cranberry Highway – Map 104, Lot 1029A

Mr. Eacobacci read the advertisement for the record to open the public hearing.

Ms. Barber was present in front of the board. She said she has an existing structure and blow it out to two homes, which would mirror the first floor.

Mr. Eacobacci said the denial was based on lot area, front and side setbacks in the MR-30. Mr. Semple stated the denial letter said it is a request for a Special Permit.

Ms. Barber said that she has a single-family home and wanted to turn it into a two-family. She said she didn't have enough frontage and the Building Department stated she needed a Special Permit. The Board thought it was a variance that she needed to be seeking.

Ms. Barber said they own both lots, the one next door that has a three-family on it.

Mr. Elkallassi reviewed the criteria for a variance being unique size, shape of the lot; topography and hardship. He asked what the hardship was. He explained what the frontage requirements were and the lot size, which she didn't have either.

Ms. Barber asked if the hardship could be the housing market.

Mr. Semple said he agrees with Mr. Elkallassi but he believes it is a variance, not a Special Permit. He said she certainly would have some issues on the lot size and

Mr. Eacobacci asked the board if they aren't going to approve because of the size and frontage needed, he didn't think they should even ask her to come back for a variance.

Ms. Barber said that they use Aunt Mary's Way versus Cranberry Highway for an entrance.

Board members agreed that she didn't have the hardship or the frontage and lot area.

Mr. Elkallassi opened it up for public comment and there were none.

Mr. Elkallassi informed the applicant that the advertisement was done wrong and it should've been a variance. He said they wouldn't close the hearing tonight and he would ask the Building Commissioner, Mr. Turner for his opinion. He said they would continue it to the next meeting to wait for Mr. Turner's answer. Mr. Elkallassi said they would allow her to come back as a variance without paying the additional fee, however, it didn't look like a variance would be approved.

MOTION: Ms. DeBonise made a motion to continue 8-23 Barber Investments to April 12, 2023 and was seconded by Mr. Eacobacci. The motion passed unanimously. (5-0-0)

A. ANY OTHER BUSINESS/DISCUSSION

A. Possible discussion regarding Zoning Articles for Spring Town Meeting

Mr. Buckland said the Planning Board would be having a public hearing for the service bay requirements requested on Monday, March 27, 2023; if they wanted to attend. Mr. Elkallassi said that he will attend if others also wanted to attend.

Mr. Eacobacci made a motion to adjourn which was seconded by Ms. DeBonise. The motion passed unanimously.

Date signed: 4-26-2023

Attest: James R. Eacobacci

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2023 APR 27 AM 11:31