**MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS**

**Date of Meeting: Wednesday, May 22, 2019**

1. **CALL MEETING TO ORDER**

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

1. **ROLL CALL**

Members Present: Nazih Elkallassi, Chairman

 Jim Eacobacci, Clerk

 Jake Morrison

 Veronica Debonise

 Robert Haskell

Also Present: Ken Buckland, Town Planner

Charles Rowley, Town Review Engineer

1. **PRELIMINARY BUSINESS**
2. **Approve meeting minutes: May 8, 2019**

**MOTION: Mr. Eacobacci moves to approve the minutes as presented. Mr. Haskell seconds.**

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

1. **PUBLIC HEARINGS**
2. **16-19 – Cedar Village, Inc. – 9 Old Stage Coach Road**

Present before the Board: Leonard Bello

**MOTION: Mr. Eacobacci moves to continue until June 12, 2019. Mr. Haskell seconds.**

**VOTE: (4-0-0) Mr. Elkallassi recuses himself from this hearing**

1. **17-19 – Cedar Village, Inc. – 10 Old Stage Coach Road**

Present before the Board: Leonard Bello

**MOTION: Mr. Eacobacci moves to continue until June 12, 2019. Mr. Haskell seconds.**

**VOTE: (4-0-0) Mr. Elkallassi recuses himself from this hearing**

1. **18-19 – Onset Fire District – 4, 8, 10 Cranberry Highway**

Present before the Board: Jonathan Novak, Coneco Engineering

 Damien Dmitrik, Coneco Engineering

 Ted Gallante, Gallante Architects

The applicant is before the Board for a Special Permit and Variance to construct a new 13,500 s.f. Onset Fire District Headquarters with an associated parking lot, access drives, drainage, and utilities. The waivers being requested are for a municipal use in an R-130 zone, impervious coverage, and fuel storage on site. A Variance will be required for these waivers.

There is a proposed dormitory area at the headquarters that can fit four people. There is handicapped and overflow parking on site. There is a proposed generator for the site as well. The drainage on the site is filtered through a retention basin and is graded away from the floodplain area. The applicant has obtained an RDA through Conservation.

The proposed fuel tank is for the generator as well as for filling the fire trucks. Mr. Elkallassi states he feels it would be safer to have the fuel tanks underground.

There has been premature clearing performed on the site.

Site drainage is discussed. There is currently not a visual buffer on the site. Mr. Morrison requests that a buffer be designed.

Mr. Gallante states that the project is under strict financial constraints and that they are unsure what they can do regarding an underground fuel tank and a landscape buffer. Mr. Morrison states there was a natural vegetative buffer on the site that was clear cut recently. There were supposed to be 100’ left for a buffer during clearing.

Present before the Board: Linda Sharp, 3rd Street, Onset

Ms. Sharp asks if this is the same firm that has clear cut the site. Ms. Sharp stated a fire hydrant had been damaged and covered, and may have potentially lead to a water problem in Onset. Mr. Elkallassi states he cannot answer about the hydrant. The firm was unaware the site had been clear cut, this was done through the district.

Discussion ensued.

**MOTION: Mr. Eacobacci moves to continue the public hearing until June 12, 2019. Motion seconded.**

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

1. **19-19 – Cellco Partnership – 344 Glen Charlie Road**

Present before the Board: Carl Ghering, Ghering & Associates

Sean Mahoney - Verizon Wireless’s Real Estate Department

Mark Correnti - Real Estate Appraiser

Dr. Haes - Radiation Safety Specialist

Doug Sheadel - Acoustical Expert

Keith Vellante - Radio Frequency Engineer

The applicant is requesting to install a wireless communication facility tower and supporting utilities. The following written evidence was submitted to the Board:

* Statement in Support of Application
* Letter of Authorization from the Property Owner
* Field Card, Tax Map and Subject Property Deed
* Verizon Wireless’s FCC Licenses for the area
* RF Report and Plots prepared by C-Squared Systems
* RF Emissions Compliance report by Dr. Donald Haes
* FAA No Hazard Determination
* Environmental Sound Assessment by Modeling Specialties
* Real Estate Valuation Non-Impact Study by FairMarket Advisors, LLC
* Photos of other nearby tall utility structures
* Photosimulations of proposed tower
* Site Plans and Elevation Drawings by Chappell Engineering Associates, LLC

A presentation was made by Carl Gehring of Gehring & Associates, LLC, who introduced the expert witnesses and summarized the above-mentioned written evidence. The need for the site was presented showing significant gaps in the Applicant’s wireless coverage at present thereby justifying the need for the new site. Compliance with all applicable RF Emissions guidelines was demonstrated. Compliance with applicable noise regulations was demonstrated. A real estate report demonstrating the proposed facility will have no deleterious impact on surrounding property values was presented. Photosimulations of the proposed facility were shown to demonstrate the minimal views and minimal impact the proposed facility will have to the surrounding neighborhood. Plans were presented showing a relatively unobtrusive installation requiring minimal tree clearing in a relatively flat portion of the subject site. The plans demonstrated no new curb cut or driveway will be required and that existing on-site drainage will be not be impacted. No wetlands or other environmental resources will be impacted by the proposed installation.

Present before the Board: John Murphy

Mr. Murphy is concerned where the tower will be and if he will be looking at the tower outside of his window. The tower will not obstruct Mr. Murphy’s view.

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

**VOTE: (5-0-0) Mr. Haskell votes in place of Ms. Kendrick**

**MOTION: Mr. Eacobacci moves to grant as presented. Mr. Morrison seconds.**

**VOTE: (5-0-0) Mr. Haskell votes in place of Ms. Kendrick**

1. **CONTINUED PUBLIC HEARINGS**
2. **9-19 – Pharmacannis – 59 Main Street**

No one is present at this time. The applicant has requested a continuance.

**MOTION: Mr. Eacobacci moves to continue the public hearing until June 12, 2019. Mr. Morrison seconds.**

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

1. **13-19 – 2416 Cranberry Highway, LLC – 2416 Cranberry Highway**

Present before the Board: Robert Perry

 Luke Castephano, Bohler Engineering

The Board had raised some concerns regarding the site at the last hearing, and the plans have been revised. Mr. Rowley states he has not had a chance to review the plans. Mr. Rowley is still unclear on page 2 of the comments regarding access and utility easement in regards to the ‘protection element’ of the easement. The Planning Board has signed an ANR plan for the property that has a utility and access easement with a driveway that is unidirectional and the Board should consider the effects of this on surrounding properties. Mr. Rowley is also unsure how to tie anything regarding the second lot to this lot at this time because there is no indication of what could take place there and feels that the utility easement should be applied to this lot only. Mr. Rowley doesn’t believe that the geometry would not have to change to accommodate any development on the second lot. Mr. Elkallassi agrees with Mr. Rowley that they cannot provide blind access to the second lot without understanding what the use for the lot will be.

Mr. Castephano states the easement is in place to provide access to the remaining lots should they ever be developed in any way, and the Board would have the opportunity to review whatever might happen on the abutting lots should they ever be developed. Mr. Elkallassi asks if they would be opposed to the condition that approval to utilize the access or easement here would have to be approved. The applicant reiterates they are only before the Board this evening to discuss the gas station but also believes that MA DOT would not allow that driveway to operate in any other manner than it does currently. Mr. Elkallassi feels if this is the case that there shouldn’t be an issue with providing language in that regards in the decision that the utility easement only be utilized for this lot and this use.

Mr. Perry states he cannot commit to any restrictions on behalf of a third party in regards to the second lot.

Mr. Rowley has requested that two parking spaces be removed from the plan due to their location to the dumpster, but this does not affect the parking requirement.

**MOTION: Motion is made and seconded to close the public hearing.**

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

**MOTION: Mr. Eacobacci moves to approve the Permit with the waiver of 112 s.f. on the sign and the comments regarding the loading dock. Mr. Haskell seconds.**

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

1. **23-19 – Anthony Grosso – 1 Rae Avenue**

Present before the Board: Anthony Grosso

Mr. Grosso has requested a further continuance.

**MOTION: Ms. Debonise moves the public hearing until August 28, 2019. Mr. Haskell seconds.**

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

1. **ANY OTHER BUSINESS/DISCUSSIONS**
2. **Correspondence**

**Upcoming Hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **June 12, 2019** | **#33-18** | **Appeal** | **Ninety Six, LLC** | **Fearing Hill Road** |
| **May 22, 2019** | **#20-19** | **Special Permit** | **Coastal Cultivars** | **0 Pattersons Brook Road** |
| **May 22, 2019** | **#21-19** | **Special Permit** | **John Ward** | **32 North Boulevard** |

**Hearing Deadlines:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **May 30, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **June 25, 2019** | **#9-19** | **Special Permit/Site Plan Review** | **Pharmacannis** | **59 Main Street** |
| **July 23, 2019** | **#13-19** | **Special Permit** | **2416 Cranberry Highway, LLC** | **2416 Cranberry Highway** |
| **August 20, 2019** | **#16-19** | **Special Permit** | **Cedar Village Inc.** | **9 Old Stage Coach Road** |
| **August 20, 2019** | **#17-19** | **Special Permit** | **Cedar Village Inc.** | **10 Old Stage Coach Road** |
| **August 20, 2019** | **#18-19** | **Special Permit/Site Plan Review/Variance** | **Onset Fire District** | **4, 8, 10, Cranberry Highway** |
| **August 20, 2019** | **#19-19** | **Special Permit** | **Cellco Partnership** | **344 Glen Charlie Road** |

1. **STAFF REPORT**
2. **Other Applications/Projects**
3. **Zoning Amendments for Fall 2019 TM**

Discussion ensued regarding Zoning By-Laws.

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

**VI. ADJOURNMENT**

**MOTION: Mr. Eacobacci moves to adjourn. Mr. Haskell seconds**

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

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

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

 James Eacobacci, Clerk

 WAREHAM ZONING BOARD OF APPEALS

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