

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: June 23, 2021

CALL MEETING TO ORDER

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

I. ROLL CALL

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

Kenneth Buckland, Town Planner
Charles Rowley, Independent Consultant, Town Engineer

II. PRELIMINARY BUSINESS

III. 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. Elkallassi starts by asking where it is that the project stands from the last Public Hearing. Ms. Morton states she is in receipt of the peer review and both she and the applicant conferring with the engineer. They do not have anything today to provide to the Board but would like the opportunity to hear the Board's comments in reference to the peer review letter from Mr. Rowley. Ms. Morton also adds the applicant will be submitting the full Site Plan Review as requested as well as the impact statement.

Mr. Elkallassi references the mullin rule and Ms. Debonise's absence at the last hearing. She states she has watched the video and is comfortable in coming back in.

Mr. Elkallassi asks if the Board had a chance to review Mr. Rowley's letter and there was no response from the Board members. Mr. Elkallassi feels the project should be broken up into three separate votes and acted upon as soon as possible. In his opinion, he states, one Variance for the shed or the maintenance building. The second Variance for the Solarium and third, either a Special Permit or Site Plan. He asks the Board for their opinion. They weigh in and discuss their ideas and different thoughts.

There is discussion regarding the shed and height. There are no concerns. Conversation ensued to move forward and grant the Variance.

MOTION: Mr. Eacobacci moves to close the portion of the Public Hearing regarding the shed Only. Mr. Morrison seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Variance to allow a shed as shown on the plan, dated May 25, 2021. Mr. Morrison seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to close the portion of the Public Hearing regarding the solarium Only. Mr. Morrison seconds.

VOTE: (2-3-0) denied by Mr. Elkallassi, Ms. Debonise, Mr. Semple

Before closing the Public Hearing Mr. Elkallassi asks if the Board has any other input, and there is further discussion regarding height of the building between Ms. Debonise and Mr. Mannix. There is many concerns regarding the added height with the solarium. The plans are shared on the screen and Mr. Mannix goes over details with the Board.

The Board discussed the project at length with Mr. Mannix and Attorney Morton.

The Board also reviewsand discusses Mr. Rowley's Peer Review letter with Mr. Mannix. There were a lot of recommendations discussed.

Mr. Elkallassi emphasizes that a letter from the Building Commissioner is needed. Architectural Plan, and Site Plan is also needed for the next hearing. The Board does not have any concrete information to go forward at this time.

MOTION: Mr. Eacobacci moves to continue the public hearing To July 14, 2021. Mr. Semple seconds.

VOTE: (5-0-0)

2. 24-21 Alisa Morse – Special Permit – 2 Sarabeth's Lane – Map 114/D, Lot SB1

No parties present before the Board

MOTION: Mr. Eacobacci moves to continue the public hearing To July 14, 2021. Mr. Semple seconds.

VOTE: (5-0-0)

IV. PUBLIC HEARINGS

1. 30-21 Howard Marcley – Variance – 10 Thirteenth Street – Map1, Lot 344

Present before the Board:

Howard Marcley
Dominic Cammarano

Mr. Cammarano States that once again he is before the Board and apologizes for the delay. This time asking for a 26' height instead of the 35' as the initial request that was denied.

The Chairman states that he remembers this project clearly and asks the Board for their opinion. Mr. Conti goes over the specifics just to be sure that he remembers what the initial issues were and states he has no further questions. Ms. Debonise appreciates that the applicants are now working with what has been requested of them, and has no further questions either.

Present before the Board:

Holly (unknown last name)

Ms. Holly states the original proposal was denied without prejudice and she understands they can bring it back but this is a brand new project but she wants to raise her concerns regarding the FAR again. She mentions that her street is already very crowded and this house will be out of place, and much larger than the rest of the small homes that are already there. It is also a flood zone and that is a huge concern for her. She is against this project. She is asking the Board to reconsider the FAR

Mr. Elkallassi asks Mr. Cammarano regarding the size of house that was on the lot before and the applicant states he doesn't remember.

Conversation ensued regarding the height of the house. Mr. Elkallassi feels a flat roof will look odd.

The Board discusses with applicant and mentions the flat roof a few times but the applicants state this is the only way they are able to lower the height and accommodate the neighbors. They are leaving it this way and leaving it up to the Board.

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

VOTE: (4-1-0) Denied by Mr. Elkallassi

MOTION: Mr. Eacobacci moves to approve the Variance with Standard Conditions. Ms. Debonise seconds.

VOTE: (4-0-1) Abstained by Mr. Elkallassi

2. **31-21 North Star Management – Use Variance – 2400/2402 Cranberry Hwy. – Map 108, Lot(s) 1002B1, 1002B2, 1002D, 1003B1, 1003B2, 1003B3**

MOTION: Mr. Eacobacci moves to continue the public hearing To July 14, 2021. Mr. Morrison seconds.

VOTE: (5-0-0)

3. **32-21 Thomas DeJoseph – Special Permit and/or Variance – 61 South Boulevard – Map 1, Lot 17-A**

Present before the Board:

Thomas DeJoseph

Mr. DeJoseph is before the Board asking for a roof overhang with gutter to control rainwater. The board is having a hard time understanding the drawings. Mr. Semple admits, he went by and had a hard time understanding what was being done. The Board would like a site visit.

MOTION: Mr. Eacobacci moves to continue the public hearing To July 14, 2021. Mr. Conti seconds.

VOTE: (5-0-0)

4. **33-21 Smithers AMS, LLC – Special Permit; Independent MJ Testing Lab – 790 Main Street – Map 81, Lot 1020**

Present before the Board:

Eric Steele

Jesse Alderman

Mr. Steele represents the case by stating the lab will not make any changes to its physical facility, in use since 1969, to add the new testing service. Cannabis testing will take place in a currently empty lab. Additional security measures will be added to comply with state laws.

He further adds, it's unlikely any cannabis testing will take place while the Decas School is in use, as the new Wareham Elementary School is scheduled to open on October 12, about a month before Smithers anticipates beginning cannabis testing.

Mr. Steele also adds Smithers still needs to be licensed by the Cannabis Control Commission before testing can start.

Attorney Alderman touches base on the Cannabis testing requirements by the Cannabis Control Commission on each batch of product manufactured in Massachusetts including flower, edibles, concentrates or vaporizer fluid. Each sample would have a volume of roughly a teaspoon, most of which would be destroyed during the testing process as Smithers employees measure the potency. Any remaining material must be made unusable. Smithers would likely test about eight to ten cannabis samples each day.

Ms. Debonise inquired about customer base and Mr. Steele stated the customers for the testing business would be cannabis growers and manufacturers, so there would be no walk-in clients. All

samples would be delivered by people in vehicles licensed by the Cannabis Control Commission, and samples would be stored in a locked cage in a locked room, accessible only to some staff members. All employees working with cannabis must pass a background check.

Smithers representatives said that cannabis testing would allow the company to make seven new hires over the next five years.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant Special Permit with Standard Conditions. Mr. Morrison seconds.

VOTE: (5-0-0)

V. ANY OTHER BUSINESS/DISCUSSIONS

VI. ADJOURNMENT

MOTION: Mr. Morrison moves to adjourn. Mr. Semple seconds.

VOTE: (5-0-0)

Date signed: 1-20-2022

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

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2022 JAN 20 AM 9:45