

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

**Date of Meeting: June 27, 2018**

### **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, Clerk  
Jan Kendrick  
Wilma Engerman

Also present: Ken Buckland, Town Planner  
Charles Rowley, Town Review Engineer  
David Riquinha, Building Commissioner  
Paul Haverty, Attorney

### **I. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: May 9, 2018, May 23, 2018**

**MOTION:** Mr. Eacobacci moves to accept the minutes from May 9, 2018 and May 23, 2018.  
**Ms. Kendrick seconds.**

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

#### **B. #19-16 – Walmart – 2919 & 2427 Cranberry Highway – Storage Containers**

Present before the Board: Paul Jandrow, Walmart

Mr. Jandrow states they are proposing to have six 40' long storage containers on the site for October, November, and December to house layaway items each year. Mr. Elkallassi asks if the Fire Department will have issues. Mr. Jandrow states the Fire Department does not have any concerns with this.

Mr. Riquinha states this is the purview of the Board to determine how long the storage containers can be on the site.

Mr. Elkallassi states he doesn't feel the proposed placement for the storage containers is appropriate. Ms. Engerman and Mr. Buckland agree that the proposed storage site is too close to the road. Mr. Eacobacci and Ms. Kendrick do not have any issues with the site.

Mr. Elkallassi recommends going to the owners to construct a wall and pad for the storage containers.

**MOTION:**

#### **C. #20-16 - Christopher Timson – 4 Cameron Street**

Present before the Board: Christopher Timson

Mr. Timson is before the Board regarding a Special Permit that was granted by the Zoning Board of Appeals, which was extended for sixth months. In the recorded decision the extension was only granted for five months. Mr. Timson is hoping to get the extension revised to be sixth months from the date it was recorded.

**MOTION:** Mr. Eacobacci moves to correct the decision from November 22, 2017 until December 30, 2017. Ms. Kendrick seconds.

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

Mr. Timson states that since they are up against the Special Permit deadline in July if the permit could be extended for three months.

**MOTION:** Mr. Eacobacci moves to extend a 45 day extension from the deadline without a further extension unless a purchase and sales agreement has been presented. Ms. Kendrick seconds.

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

Mr. Timson also asks if the Special Permit is transferable. Mr. Elkallassi states it was not made a condition that is was not transferable so it may be transferred.

## **II. PUBLIC HEARINGS**

### **A. #22-18 – Enterprise Rent-A-Car – 1 Express Drive**

Present before the Board: Doug Valerie  
Scott Faria. Holmgren Engineering

Mr. Elkallassi states that the applicant is entitled to be heard by a five member board and they may request a continuance. The applicant states they will present this evening.

Mr. Faria states that they are seeking a Variance to have a rental car use in the zone. There will be no changes to the exterior of the building or the parking lot. The rentals are pick-up trucks and box trucks. The site is currently being used as a distribution center for large trucks.

Mr. Elkallassi states that he does not hear a hardship to base a granting of a variance.

**MOTION:** Mr. Elkallassi moves to continue the public hearing until July 11, 2018 per the request of the petitioner. Ms. Kendrick seconds.

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

## **III. CONTINUED PUBLIC HEARINGS**

### **A. #14- 18 - Afif El Baba – 3070 Cranberry Highway – Major Modification**

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

The applicant has requested a continuance.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until July 25, 2018. Ms. Kendrick seconds.

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

**B. #13-18 - Wareham Family Dental – 43 & 45 Sandwich Road**

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.

Mr. Madden states they have responded to the peer review comments from Mr. Rowley. There were concerns with the dumpster located near the back two parking spaces on the lot, which Mr. Madden recommends they could reserve for employee use only.

Mr. Rowley recommends moving the dumpster and turning the spaces 90 degrees, which was his concern. Mr. Rowley states that the office does not meet the 40' landscaping buffer between the residential properties. Mr. Rowley states that the drainage has been addressed and does not have a concern with it.

Mr. Elkallassi asked if an application for a landscape variance has been applied for. Mr. Madden states the previous hearing had addressed the variance for the landscape buffer. Mr. Elkallassi states he is concerned that the variance for the setback had not been advertised.

Mr. Elkallassi recommends applying for a variance for the landscaping as well as the sign setback.

**MOTION:** Mr. Eacobacci moves to continue this public hearing until August 8, 2018. Ms. Kendrick seconds.

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

**C. #2-18 – Dakota Partners – 3102 Cranberry Highway**

Present before the Board: Peter Freeman, Freeman Law Group  
Dominique Rinaldi, Engineer  
Roberto Arista, Dakota Partners  
Colleen Medeiros

Mr. Freeman states they did take into consideration the plan previously presented from Mr. Daskalakis. Mr. Rinaldi will be showing the plan for a 150 unit proposal. Mr. Freeman states they have also reviewed the OSD review letter as well as the TEC traffic consultants and has written responses and their traffic consultant, Colleen Medeiros, is present this evening.

Mr. Rinaldi states that they have created a similar version to the plan presented by Mr. Daskalakis. The parking and driveways have been moved to the perimeter of the site. The buildings have been shifted and one building has been removed entirely creating 150 units. There is a larger open space area in the middle of the buildings. The construction would still be proposed in three phases with the two buildings on the left being built first, phase two would be the building on the top and the northern most building on the east side as well as the community building, with the last phase building the last building on the lower east side of the site. The revised plan produced 263 parking spaces as well as a ratio of 1.75 spaces per unit. Additional sidewalks have been provided from the site out to Cranberry Highway and Redbrook Road. The sidewalk on the interior of the site goes around the entire site. Mr. Rinaldi states there is a "solid"

area between the buildings to provide fire access to the interior of the building design. The service area is in the top left area of the building. The access is very accessible for fire and garbage trucks. Mr. Freeman states this is not an official change in the number of units, this is a proposal.

Mr. Elkallassi states he would like to hear final comments of the water department.

Present before the Board: Benjamin Hughes, Chairman of the Board of Water  
Commissioners  
Shed Osbourne, OSD Engineering Consultants

Mr. Osbourne states that the response to the peer review was generally accepted. The only concern is the monitoring wells, which were not agreed upon between the applicant and the water department. Mr. Osbourne states there should be some type of monitoring system done on the site to prevent potential pollution and contamination of the nearby drinking water wells. Mr. Osbourne states that they discussed sampling core in phase 1 and annual sampling though phase 3 and after that point the monitoring would be done by the water district. Mr. Osbourne recommends 3-4 monitoring wells. Mr. Freeman states that he believes the monitoring that was just recommended was less strenuous than the monitoring that was suggested in the review letter and would like to continue the conversation with the water department outside of the public hearing. Mr. Elkallassi states he agrees the monitoring wells are extremely important.

Present before the Board: Colleen Medeiros, Mc Mann Associates

Ms. Medeiros states they have read the TEC peer review letter. The majority of the comments concurred with the Mc Mann traffic study. Two comments were identified as needing more clarification. One was a suggestion that the Redbrook Road entrance be right turn only in and out, suggesting that potential left turns entering could queue back to the traffic signal on Cranberry Highway. Ms. Medeiros states that the light is 200' from the driveway and the traffic study showed a maximum queue at 70'. Ms. Medeiros does not feel this would impact the Cranberry Highway intersection. Ms. Medeiros states if they did incorporate this right turn only in and out it would increase the required number of U-turn movements on Cranberry Highway and would have a larger negative impact to Cranberry Highway if the right turn only were imposed. Ms. Medeiros recommends keeping the Redbrook Road driveway as a full access drive. Ms. Medeiros states that TEC has requested clarification of the proposed landscape plans as far as site distance is concerned. Ms. Medeiros states that the landscaping is low-lying landscaping and should not affect the site distance.

Mr. Rowley asks how many cars might queue on Redbrook Road going either right or left on or off Redbrook Road. Ms. Medeiros states the turn onto Cranberry Highway in the morning being about 60' of cars waiting to queue at the light, equivalent to 2-3 cars.

Present before the Board: Peter Teitelbaum, Board of Selectmen

Mr. Teitelbaum states he is in higher favor of the new layout of the parking lot and buildings. Mr. Teitelbaum states that the Board of Selectmen were concerned that the closes playground is

over a mile from the site and recommends having a playground on the site. Mr. Rinaldi states there is a playground on the site behind the community building.

Present before the Board: Emmanuel Daskalakis, Wareham Planning Board

Mr. Daskalakis states that he is very appreciative of the updated plan. Mr. Daskalakis states that the footprint of the buildings are not reflective of the size of the building, and although these are preliminary plans, but feels the buildings should be more reflective of the environment it is being built in. The Planning Department is also concerned with the 4 story building and asks that they consider reducing the 4 story building to a 3 story building. The Board recommends having breaks in the roof instead of a straight roof. Mr. Rinaldi shows the proposed buildings and they do have stacked roof lines.

Present before the Board: Debbie Edo

Ms. Edo states that she is still concerned with visitor parking on the site and she is concerned with parking on Redbrook Road and asks if "No Parking" signs could be installed.

Mr. Haverty states the Board can also include no parking on Redbrook Road as a condition of the decision.

Present before the Board: Lucille Dodson

Ms. Dodson states she is concerned with visitor parking and the parking available on the site. Ms. Dodson is also concerned with the playground being an adequate size to be accessible to the children. Ms. Dodson states she is still concerned with the access from Redbrook Road and the accidents it could cause.

Present before the Board: Richard Hadley

Mr. Hadley is concerned with west-bound traffic from Redbrook Road and west-bound traffic from Cranberry Highway. Mr. Hadley feels the traffic light in lieu of the yield sign will increase traffic. Mr. Hadley states that the MassDOT construction will make it worse. Ms. Medeiros states that the traffic study showed that even with the yield sign it is considered a stop controlled intersection, since most people coming onto the road must stop since there isn't a yield lane. Ms. Medeiros states that when MassDOT does the revisions to Cranberry Highway they will make the intersection safer than it is, not more dangerous. Mr. Hadley states he feels it is wrong that the study was shown with the road as a stop control. Ms. Medeiros states it was a conservative approach to study the road as existing stop control because it gives a better result in the software. Mr. Hadley states he disagrees, that people yielding onto Cranberry Highway do not currently stop, the site has a clear view of Cranberry Highway, which is why he feels it should not have been based on a stop control. Ms. Kendrick states that MassDOT is going to install the stop control, which is why Ms. Medeiros based her estimate on stop control.

Present before the Board: Debbie Edo

Ms. Edo states that they have a unique situation on the road due to the number of different garbage trucks and where they are located and suggests that maybe their neighborhood should be studied differently. Mr. Edo also asks what the number of 2 and 3 bedroom units are. Mr. Freeman states the state requirement is that 10% of the units be 3 bedrooms. Mr. Freeman states he does not have the exact number at this time but they will have to meet that number.

Mr. Freeman asks what level of plans they should be working on. Mr. Elkallassi states they need full detail plans, including drainage, grading, etc. Mr. Elkallassi states he would also like to see more details of the playground, the Board requires signed architect plans.

Mr. Eacobacci states that he thought he heard the Sewer Commissioner that the phases will happen within three years or longer. Mr. Eacobacci states that they did lose a month in the public hearing process due to inclement weather and health related incidents, and states it may be prudent to extend the August deadline by a month.

The applicant states they would require at least until July 25, 2018 to have plans completed.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until July 25, 2018. Ms. Kendrick seconds.

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

Mr. Rowley asks if the Board is reviewing plans based on 146 units or 150 units. Mr. Freeman states he is basing the drawings on 150. Mr. Elkallassi states he would like to see the drawings based on 146 units. Mr. Freeman states that due to costs they would be presenting 150 units.

#### **IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**

##### **A. Correspondence**

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

##### **B. Upcoming Hearings:**

July 11, 2018	#4-18	Site Plan Review	Giancola Minot Properties	72 Minot Avenue
July 11, 2018	#23-18	Variance/Special Permit	Anthony Grosso	1 Rae Avenue
July 11, 2018	#24-18	Variance/Special Permit	Charles & Cynthia Allen	205 Lake Avenue
July 11, 2018	#26-18	Appeal	18 Burgess Point Road Realty Trust	18 Winship Avenue
July 25, 2018	#17-18	Special Permit/Variance	RMRM Realty, LLC	3035 Cranberry Highway

##### **C. Decision Deadlines**

Comprehensive Permit – 8/27/18	#2-18	Comprehensive Permit	Dakota Properties	3102 Cranberry Highway
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Site Plan Review – 7-24-18	#4-18	Site Plan Review	Giancola Minot Properties	72 Minot Avenue
N/A	#14-18	Major Modification	Afif El Baba	3070 Cranberry Highway
Special Permit – 9/11/18; Variance – 9-21-18	#17-18	Special Permit/Variance	RMRM Realty, LLC	3035 Cranberry Highway

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

VI. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Ms. Kendrick seconds.

Date signed: 7-25-2018 VOTE: (4-0-0)

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

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