

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: August 11, 2021

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 (entered the meeting at 6:39pm)
Veronica Debonise, Member
Jacob Morrison, Member
Richard Semple, Associate Member
Christopher Conti, Associate Member

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

III. PRELIMINARY BUSINESS

1. Approve meeting minutes: July 28, 2021

MOTION: Mr. Eacobacci moves to approve the meeting minutes as presented dated July 28, 2021 and to sign previously approved meeting minutes dated July 14th 2021. Ms. Debonise seconds.

VOTE: (5-0-0)

2. Nomination of Representative to serve on Solar By-Law Committee

Mr. Elkallassi mentions he was asked by the Board of Selectmen to present to the Board if there were anyone that would like to be a part of the committee. He adds this is a great opportunity. The Board agrees Mr. Conti would be a good asset and Mr. Conti states he would be willing to be a part of it.

MOTION: Mr. Eacobacci moves to nominate Mr. Conti as the representation from the Zoning Board of Appeals to serve on the Solar By-Law Committee. Mr. Morrison seconds.

VOTE: (5-0-0)

3. 26-21 Swenson Granite Works – Review and Approval of Updated Site Development Plan – 3120 Cranberry Highway – Map 8, Lot 1004 (Previously approved a Use Variance for this property/project at the May 12th, 2021 hearing)

Mr. Elkallassi states the applicant submitted a site plan although one was not needed. The Board reviews the plan. Mr. Eacobacci states he believes that anything that is done will be an improvement to what is there currently.

Mr. Elkallassi would like to see a buffer zone. He would like to see evergreens. The Board agrees.

MOTION: Ms. Debonise moves to accept the plans as presented with the addition to incorporate arborvitaes along Redbrook Road staggered 4-5ft apart, at 6' height. Mr. Morrison seconds

VOTE: (5-0-0)

IV. CONTINUED PUBLIC HEARINGS

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

Mr. Eacobacci reads into the record a letter received addressed to the Zoning Board of appeals requesting a continuance to August 25, 2021 and an extension with a decision deadline of September 25, 2021.

MOTION: Mr. Eacobacci moves to continue the hearing to August 25, 2021. Mr. Semple seconds.

VOTE: (5-0-0)

V. PUBLIC HEARINGS

- 1. 37-21 Hans Westberg – Variance – 19 Wareham Lake Shores Dr. – Map 120, Lot 102 – accessory story structure**

Present before the Board: Hans & Tracey Westberg, 19 Wareham Lake Shores Dr.

Mrs. Westberg introduces herself. She states they intend to build a two-car garage and due to the house being situated on Glenn Charlie Pond, 65' away from the pond, it would be necessary to construct said garage on the front yard.

Mr. Semple states he drove by the area and mentions that two other neighbors also have front yard garages and assumes it is due to the same issue.

The Board does not see any issues with what the applicants with what the applicants are trying to do due to the hardships.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant two Variances. One for setback and one for location. Mr. Morrison seconds.

VOTE: (4-1-0) Ms. Debonise seconds

2. 39-21 First Hartford Realty Corp. – Special Permit, Variance & Site Plan Review – 3005/3013 Cranberry Highway – Map 12, Lot(s) B & LC1 – Reign Car Wash – Motor Vehicle Service

Present before the Board:

Douglas A. Troyer, Esq.
Sean Kavanagh, First Realty Corp
Curtis Quitzau, VHB Engineering
Matt Keely, VHB, Traffic Engineer

Attorney Douglas Troyer introduces himself and states he will be presenting the project on behalf of the applicant, First Hartford Realty Corporation. He mentions that the memorandum was submitted to the Board pursuant to the By-Law relating to the property in which he will be discussing.

Attorney Troyer shares the Plans with the Board and starts the presentation.

The applicant seeks a special permit and a site plan review from the board to construct a car wash facility on the site and operate a motor vehicle service car wash.

Attorney Troyer states that Caradimos Company presently owns the property, which is in a commercial strip zoning district and located on a 47,613 square ft. lot. He says that the property is located on the southside of Cranberry Highway and is bounded by mostly developed land to the west, east, and south. He proceeds to state that the property is currently developed as a restaurant, identified as the 99 restaurant, with associated parking lot, sidewalks, and some utility infrastructure.

OSJ of Wareham, LLC owns the property abutting 3013 Cranberry Highway which is also located at 3005 Cranberry Highway, also located in a commercial strip, zoning district, approximately 30,083 square feet of this 17.18 acre lot is subject to a purchase and sale agreement with OSJ of Wareham, LLC to be used by the applicant for the project. Attorney Troyer states the property is currently being used as a parking lot for the existing Ocean State Job Lot facility located on the property.

Mr. Eacobacci asks if in essence the intention is to merge both lots into one parcel and Attorney Troyer confirms that it is once they obtain permitting. The sale is contingent upon the permitting. Attorney Troyer goes through the renderings.

He mentions that Reign Car Wash Proposes to operate the car wash facility and it pursues a business model designed to deliver the fastest and cleanest car washing experience through a focus on premium locations in vibrant, retail trade corridors, carefully selected and trained team members and the very best and most technologically advanced car wash facilities in the industry.

Mr. Quitzau, VHB Senior Project Engineer, takes over the presentation and walks the Board through specifics regarding the project plans.

Conversation ensued in detail.

He discusses drainage system, recycle, and utilities.

Mr. Elkallassi asks about the storm water management. He asks the applicant if they had the chance to do a perk test and Mr. Quitzau stated they did borings and did some testing. Mr. Elkallassi also asks about how many vehicles on an average do they anticipate daily month or a year, and Mr. Quitzau stated that Matt would be getting into all the statistics.

Mr. Keely Takes over the presentation and walks through the process regarding the traffic study that includes the intersection of Route 6 at the Ocean State driveway and Route 6 at the proposed site driveway. He mentions that as part of the study he collected, traffic volumes, crash history, and he also did capacity analysis at each of those intersections to establish his baseline conditions. He adds that as part of the future conditions evaluation, they projected future traffic out to 2028, which is a seven (7) year projection in accordance with massDOT standards. He stated that he used a growth rate of one percent per year.

As far as trip generation goes, Mr. Keely states based on the institute of transportation engineers trip generation manual, the ite trip gen manual is essentially a national database of traffic accounts of various land uses and in this case, one of the land uses within the manual is automated car wash. He shows a graph to the Board. Based on the size of the car wash and the one tunnel, the ite projections show a total of 78 vehicles during weekday pm peak hour and 41 vehicles during the Saturday midday peak hour.
End of presentation.

Attorney Troyer states they have addressed all the Variances required by the Building Commissioner as stated on the Denial Letter and Mr. Elkallassi states an updated letter or document will be needed stating such from the Commissioner.

Mr. Elkallassi mentions there has been a letter received from Attorney Robert Perry representing Steve McDonald in opposition.

Mr. Conti states at this there is a lot to review but he is happy to hear all the Variances were taken care of, but at this time, he does not have any questions. The rest of the Board, also have no questions at the current time.

Present before the Board via zoom:

Robert Perry, Esq.

Attorney Perry is on zoom and speaks in opposition of the project. He states it is a danger. It will draw attention and cause many accidents. He thinks this will be a horrible thing to allow and will cause many problems to the community.

Mr. Rowley makes some suggestions although he states he only had time to write up a partial report.

Ms. Debonise asks about operating hours and Attorney Troyer states the hours will be from 7am to 9pm. She also asks if the interior of the car wash will be illuminated, and he says that it will be which she wonders how bright this will be and she also asks, if any of the signs are lit, and Attorney Troyer states there has been a Sign package that has been submitted as well that specifically identifies the illumination and all the signs. Attorney Troyer states there is one free standing sign and two main signs on the building. To his understanding, what has been submitted complies with article 11 of the By-Laws.

Present before the Board via zoom:

Steve McDonald, 3083 Cranberry Highway

Mr. McDonald states someone posed a question regarding how many cars go through the car wash at one time and someone on the representing of Reign Car Wash said "one" and he states this is not true since the Bay is 150ft also because with a glass building there's going to be nothing but flashing lights that are going to further attract people's attention, he states that the number one level of accidents on the highway are rear ends. He also mentions that all the reports appear to not be factual. He thinks the applicant should produce a schematical plan of what lights and electrical lights are in this car wash. He proceeds to say "are we really going to let another Billionaire build yet another building in this town that's a glass building that doesn't confine with the actual architectural norms of the community"?

Attorney Troyer states he respects Mr. McDonald's statements but he does want to make known that this is a competitor who owns Soft Touch which is down the road.

Mr. Elkallassi asks Attorney Troyer why he chose this location. Attorney Troyer, asks for a minute. Ali (unknown last name, hard to hear because of mask) states he is the principal for this project. He resides in Framingham area but he is the developer of the developer and he states as to the question, around why the location, he mentions he has operated hundreds of retail locations quite successfully across the country and he looks at the car wash business as one that is underserved for consumers. He feels as the facilities are poorly maintained, dirty and not well invested. He also adds the service is poor, the speed of the transaction is poor, the quality of the wash is poor, and often the facilities are poorly located. He states in this instance he has all the opposites of those. He will be offering a very attractive facility, a very well lit facility, with completely free vacuums for the motoring public whether they choose to wash their vehicle or not. The wash process will be infinitely faster, the wash quality infinitely better, and the service level will be infinitely better. He adds that at the end of the day, this is a prime retail corridor. It is on the out parcel of a grocery store and some other retailers as the Board knows and he also mentions that this particular part of Cranberry Highway that they are choosing to locate on a far corner of a light provides for great ingress and egress into the site and the site is very visible from both directions.

Mr. Morrison states he has some experience at these car washes down south and he states there are many car washes just like this at every grocery store right off the corner, and he has had nothing but great experiences using them. He adds it's all the same exact stuff that they have on paper right now and there are no issues at all. He has seen most of them at four way intersection.

Mr. Semple would like to state that the Board authorized Nouria in West Wareham, which is less than half a mile away from another Nouria so when it comes to this retail or selling anything, he thinks, it is a doggy dog world.

MOTION: Mr. Eacobacci moves to continue the Public Hearing to September 8, 2021. Mr. Semple seconds.

VOTE: (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS

Natures Medicine – Change of Hours request – Minor or Major Modification

Nature's Medicines is requesting to extend their hours of operation. Currently they are opened from 7am to 7pm and they are looking to change them to 8am to 10pm Monday – Saturday and Sunday 10am – 8pm.

MOTION: Mr. Eacobacci moves to approve a minor modification. Mr. Morrison seconds.

VOTE: (4-1-0) Ms. Debonise denies

MOTION: Mr. Eacobacci moves to approve a minor modification and approve the new hours.

VOTE: (4-1-0) Ms. Debonise denies

VII. ADJOURNMENT

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

VOTE: (5-0-0)

Date signed: 7-13-2022

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

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2022 JUL 14 PM 1:09