

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

**Date of Meeting: Wednesday, August 14, 2019**

### **I. CALL MEETING TO ORDER**

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

### **II. ROLL CALL**

Members Present: Jim Eacobacci, Clerk  
Veronica Debonise  
Walter Cruz, Associate  
Robert Haskell, Associate  
Jake Morrison

Also Present: Ken Buckland, Town Planner

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: July 24, 2019**

**MOTION: Mr. Haskell moves to approve the minutes from July 24, 2019. Mr. Cruz seconds.**

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

### **IV. PUBLIC HEARINGS**

#### **A. 28-19 Ossama Mohamed – 307 Main Street – Use Variance/Special Permit/Appeal**

Present before the Board: Ossama Mohamed

Mr. Mohamed speaks into the record that he is looking to re-open the gas station. It is an existing business. He is simply looking to re-establish a fueling station that has been discontinued for a period of two years due to being held up by the town, and he is now ready to open. Mr. Haskell asks if there is fuel in the ground now, and Mr. Mohamed states that only what is there from before, he hasn't added anything since. Mr. Cruz would like to see that the tanks are up to code due to fuel sitting there for two years. Mr. Mohamed states that he has had the tanks inspected by the Fire Department on a yearly basis which is always submitted to the state and they are up to code. Mr. Eacobacci asks if anyone in the public has anything to say either in favor or against the article, and no public response.

**MOTION: Mr. Morrison moves to approve the application as presented. Mrs. Cruz seconds.**

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

**B. 29-19 Nature's Medicine Inc. – 3119 Cranberry Highway – Special Permit**

Present before the Board: Velerio Ramono Esq. with Vicente Cedarburg Law Firm  
Gerry Wilson, Director of Operations  
Rich Riccio, Field Engineering

Mr. Ramono speaks into the record that they are seeking to operate an adult-use marijuana establishment and runs through the criteria of the Zoning By-Laws. They are not going to sell medical marijuana, it will be strictly recreational. He reiterates that they are in compliance with zoning and it expressly allows with this type of business. Mr. Eacobacci speaks to the public regarding the whereabouts of this space and location. Nature's Medicines, Inc. will be occupying a building known as Jordan Plaza and will be occupying the space formerly known as the Sears Appliance Store which is about 4200 sq ft. on the right side of the building with 72 available parking spots. Mr. Eacobacci asks regarding the need of the handicap ramp, as he is under the assumption that the building is compliant. Mr. Riccio states although the building is compliant, the ramp is just to have one dedicated for the convenience of the customers. Mr. Haskell asks if there are any plans for traffic control and Mr. Ramono states that they have taken into consideration the need to work with Law Enforcement, and will have parking lot attendants and same feedback related to Ms. Debonise when she asked regarding the security of their customers. Ms. Debonise also asks since it is a shared space with other tenants, how do they plan working out the parking situation, and Mr. Ramono explains the calculations regarding the perimeters of parking and they are again within the By-Law requirements.

Present before the board: Ellen Kanter

Ms. Kanter states she lives within one mile away and asks for the clarification of what is an adult-use marijuana establishment? Mr. Eacobacci states it is a place that sells marijuana to a person of 21 years of age or older.

Present before the board: John Hooten, 58 Bay Pointe Dr. Ext, Buzzards Bay, MA

Mr. Hooten is opposed to the location of choice for this type of establishment. He is concerned with traffic. He questions the board, how many other communities have they applied for and if any, what is the result of those proceedings? Mr. Ramono answers the questions and explains that there are currently 27 licenses.

**MOTION: Ms. Debonise moves to close the public hearing. Mr. Cruz seconds.**

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

**MOTION: Mr. Morrison moves to approve a Special Permit for 3119 Cranberry Highway to operate an adult-use marijuana establishment to petitions Nature's Medicines Inc.. Mr. Cruz seconds.**

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

**C. 30-19 George & Gail Tsourides – 3 Cedar Island Road – Variance**

Applicants have withdrawn from the application. They will move shed from front yard to side yard.

**V. CONTINUED PUBLIC HEARINGS**

**A. 33-18 – Ninety Six Realty, LLC – 191 Main Street, Suite 215**

Present before the Board: Robert L. Perry

There has been a fair amount of discussion between the board, the Planner, Town Counsel, and the Applicant. In order for this matter to pass, there will need to be a four person vote, and there are four voting members due to Ms. Debonise needing to recuse herself. The Board is up against the deadline and if a decision is not made this evening, the application gets granted constructively. An option was made to the applicant due to the shortage of members this evening of whether or not Mr. Perry wants to take the chance. Initially Mr. Perry came in front of the Board to overturn the decision of the Building Inspector. He is seeking the approval of Lot A, Map 74 as a buildable lot for residential use. Mr. Buckland reviews the plans with the Board. Mr. Buckland states one of the premises that is being presented is that a road automatically creates a lot line, and in fact, in this case it does not in this older way. According to Mr. Buckland, a road can run through a parcel of land, but it does not create a lot line. The lot line shown in the plan to create this parcel was created last year. It is a self-created hardship in an under sized lot. Mr. Eacobacci asks Mr. Perry if the piece across the street goes out and touch Blackmoore Pond Road and if it has been divided into other lots or proposed lots and Mr. Perry states that yes, all but one small part across the street from his house.

Present before the Board: Eric Lintala, 15 Squirrel Island Rd.

Mr. Lintala speaks into the record and states he is an abutter to the property. He provides information to the Board which Mr. Eacobacci states that it is a roadmap from Attorney Bowen.. He states that it is not a hardship, but a hazard that is being proposed. He feels that it was deemed unbuildable for that reason. It is a triangular shaped lot which in itself becomes problematic.

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

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

**MOTION: Mr. Morrison moves to approve. Mr. Cruz Seconds.**

**VOTE: (1-0-3)**

**VI. ANY OTHER BUSINESS/DISCUSSIONS**

**A. 20-19 Coastal Cultivars – 0 Patterson Brook Road – Scheduling of Public Hearing**

Requested an extension to move the public hearing to August 28, 2019.

**B. Discussion of Zoning Articles before the Planning Board**

Mr. Buckland speaks on the Articles. They are an outline of the proposed articles that will be before the Planning Board at the Town Fall Meeting. The Board discusses the ideas and the proposed changes.

**VII. STAFF REPORT**

**VIII. ADJOURNMENT**

**MOTION: Ms. Debonise moves to adjourn. Mr. Cruz Seconds.**

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

Date signed: 8-28-2019

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

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