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

**Date of Meeting: January 24, 2017**

1. **CALL MEETING TO ORDER**

The meeting was called to order at 6:35 P.M.

1. **ROLL CALL**

Members Present: Nazih Elkallassi, Chairman

Jim Eacobacci, Clerk

Karl Baptiste, Sr.

Jan Kendrick

Wilma Engerman

Jacob Morrison, Associate Member

Also present: Ken Buckland

Charles Rowley

David Riquinha, Building Commissioner

**III. PRELIMINARY BUSINESS**

1. **Approve meeting minutes: January 10, 2018**

**MOTION: Mr. Eacobacci moves to accept the minutes as presented. Ms. Engerman seconds.**

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

1. **#2-14 – JCMA Realty – 167 Onset Avenue – Request for modification**

Present before the Board: John Salerno, 192 Onset Avenue

Mr. Salerno has a permit for 167 Onset Avenue, and is seeking a request for modification. The building is almost ready to open, but the parking lot needs the top coat and lines for the parking lot, the base coat is already done. Mr. Salerno is requesting a waiver from completing the parking lot so he may apply for his liquor license. Mr. Salerno cannot submit his application for the liquor license without a sign off from the building department that cannot be done at this time. Mr. Elkallassi states they could make the waiver and condition it that there can be no occupancy permit allowed until the parking lot is finished. No one on the Board objects.

**MOTION: Mr. Eacobacci moves to grant a waiver on the top coat of the parking lot until June 2018 and that no occupancy permit can be granted until the parking lot is completed. Ms. Engerman seconds.**

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

1. **#26-16 – Solbright – 0 Squirrel Island Road – Request for Certificate of Completion and performance bond**

Present before the Board: Mike Harrington, Solbright

Mr. Harrington states they are looking for a certificate of completion. Mr. Harrington has submitted a bond estimate. Mr. Rowley has reviewed the bond estimate and asked for more specific details in the bond. Mr. Harrington states that he has also been asked for assurance that the trees on the site will be replaced for up to a year from the completion of the project. Mr. Rowley states that Mr. Harrington had agreed to add the terms requested in the bond. Mr. Rowley states he had requested a two year replacement for the trees on site. Mr. Rowley states the bond does not include the paved and graveled area below the access road, and this does need work. This can only be covered by the bond if it is included in the language. Mr. Harrington states that he would include that in the bond. Mr. Harrington states he will submit the revised bond to Mr. Rowley for review.

**MOTION: Mr. Eacobacci moves to grant the certificate of completion and the performance bond subject to the review of Charles Rowley. Motion is seconded.**

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

**IV. PUBLIC HEARINGS**

**V. CONTINUED PUBLIC HEARINGS**

**A. 45-17 – Richard and Judith McBrine – 55 West Central Avenue**

Present before the Board: Richard and Judith McBrine, 55 West Central Avenue

Mr. McBrine had a proposed deck of 16’ x 6’ and did not have a certified plot plan, which he does have this evening. Mr. Elkallassi states the Board needs to determine if the project is a Special Permit or a Variance. The non-conformity is lot coverage.

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

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

**MOTION: Mr. Eacobacci moves that this is a Special Permit because the project is not substantially detrimental to the neighborhood and is not a significant increase to the non-conforming nature. Ms. Kendrick seconds.**

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

**MOTION: Mr. Eacobacci moves to approve the Special Permit with standard conditions and to be built according to plans by Robert Bramen Jr dated January 2, 2018. Ms. Kendrick seconds.**

**VOTE: (4-1-0) Ms. Engerman opposes**

**B. 46-17 – Ramos Realty Trust – 300 Glen Charlie Road**

The applicant has requested a continuance.

**MOTION: Mr. Eacobacci moves to continue the public hearing until February 14, 2018. Ms. Kendrick seconds.**

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

**C. 1-18 – J Donegan Company – 2419 & 2417 Cranberry Highway and Seth F. Tobey Road**

Present before the Board: Matt Smith, Bohler Engineering

J. Donegan, J. Donegan Company

Sean Kelly, Vanasse and Associates

Mr. Smith states that they are requesting a variance for a drive-thru restaurant at the corner of Tobey Road and Cranberry Highway. Mr. Smith states he feels that his view was that the Board was comfortable with what was proposed, but had concerns with the traffic component. Mr. Smith states that the brought in Mr. Kelly from Vanasse and Associates to summarize the impacts of the change of use from the approval of the bank drive-thru on the site to the proposed fast food use. Mr. Buckland had also requested information regarding findings of fact relative to the applications conformance with variance criteria which has also been presented to the Board.

Mr. Kelly from Vanasse Associates discusses the updates in the traffic analysis. A comprehensive traffic impact and access of the project as part of the Massachusetts Environmental Policy Act. 46,300 s.f. of space were reviewed. The previous assessment was updated to reflect the inclusion of a food drive-thru instead of a bank drive-thru. The intersections they looked at were the Wareham Crossing signal, the Tobey Road signal, the intersection of Main Street and Tobey Road, and the two driveways that would serve the projects, the one on Route 25 and the one on Tobey Road. Mr. Kelly states that the main difference is the trip generation. The initial project trip had 208 trips on the evening peak and 248 cars during Saturday midday peak. The new study showed 232 evening peak trips and 292 Saturday midday trips. Mr. Kelly states that with fast food 50% of the trips made are by people who are already on the road, so already on either Route 25 or Tobey Road and many of the trips are made by people already in the center or who will utilize other shops on site in their visit. Not all of these trips are coming and going through the same location. There is an increase of 10-15 cars per hour. There is significant traffic increase in the area during the summer months with people commuting to Cape Cod. There will not be a large impact during Christmas and other holidays with the development.

Mr. Elkallassi states that he does agree that the traffic will not be a significant impact on the site. Mr. Elkallassi states that he does have difficulty seeing how they can grant the Use Variance. Mr. Elkallassi doesn’t see the hardship in order to grant the Use Variance. Mr. Elkallassi recommends that the applicant wait to see if the proposed change for drive-thru’s goes through at Town Meeting.

Ms. Engerman states she doesn’t like the access and exit to the property.

Mr. Eacobacci states he is in favor of the project.

Ms. Kendrick states that she also cannot justify granting the Variance.

Karl states he is in favor of the project.

Mr. Elkallassi recommends the applicant return to the Board in May, after Town Meeting. Mr. Elkallassi asks the applicant what they would like to do. The applicant states they would like to continue.

**MOTION: Ms. Kendrick moves to continue the public hearing until May 9, 2018. Mr. Eacobacci seconds.**

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

**VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**

1. **Correspondence**
   1. See correspondence sent via email and/or in packets.
2. **Upcoming Hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **February 14, 2018** | **#31-17** | **Site Plan Review** | **J. Donegan** | **2419 & 2417 Cranberry Highway and Seth F. Tobey Road** |

1. **Decision Deadlines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **60 Days from Close of Public Hearing** | **#31-17** | **Site Plan Review** | **J. Donegan Company** | **2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road** |
| **Special Permit – March 13, 2018**  **Variance – March 23, 2018** | **#46-17** | **Special Permit/Variance** | **Ramos Realty Trust** | **300 Glen Charlie Road** |
| **Variance – April 20, 2018** | **#1-18** | **Variance** | **J Donegan Company** | **2419 & 2417 Cranberry Highway and 4 Seth F. Tobey Road** |

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

**VIII. ADJOURNMENT**

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

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

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

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

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

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