

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

**Date of Meeting: October 11, 2017**

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

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

### **II. ROLL CALL**

Members Present: Nazih Elkallassi  
Jim Eacobacci, Clerk  
Karl Baptiste  
Wilma Engerman  
Jacob Morrison, Associate

Members Absent: Jan Kendrick

Also present: Charles Rowley  
Ken Buckland, Town Planner  
David Riquinha, Building Commissioner

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: September 27, 2017**

**MOTION: Mr. Eacobacci moves to approve the minutes as presented. Mr. Baptiste seconds.**

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

#### **B. Petition #6-15 - Road Construction Bond Release – CEC Solar – 127R Marion Road**

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

The Board had previously discussed Road Construction Bond release and were waiting on a report from Charles Rowley regarding the completion, which has not been received at this time. The Board will continue until October 25, 2017 to receive the report.

#### **C. Petition #31-17 – Certificate of Occupancy – J. Donegan Co. – 2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road**

Present before the Board: Zach Richards, Bohler Engineering

Mr. Richards states they were before the Board a month ago for the general project update. The applicant is before the Board with a major site plan modification which is to be held on October 25, 2017. Aldi's Supermarket and Auto Zone have been underway with construction. Aldi's and Auto Zone are very close to completion and is requesting a Certificate of Occupancy. Mr. Richards shows a plan of the site, stating they would like to complete as much of the site as reasonable while not knowing what some of the retailers might be. The areas that are to be deferred have been hatched with red stripes on the plan and will hopefully be completed next year. Mr. Richards states that installing sidewalks and parking areas for

the unbuilt buildings would cause them to be damaged during construction of the site. They are proposing temporary asphalt curved for areas that will not currently be developed, which would be removed during construction. Mr. Richards gives an overview of the site such as parking and pedestrian flow. The sidewalk in front of Aldi's will be fully built out, but will have a temporary asphalt walkway for building "C" adjacent to it. Mr. Elkallassi asks if they will be doing the landscaping. Mr. Richards says everything outside of the red areas on the plan will be completed.

Mr. Rowley states the Board may want to consider a security bond for the remaining work. Mr. Elkallassi states they will need proposals for finishing the parking and landscaping and will need a bond at 150% of the value to complete the parking and landscaping.

Ms. Engerman asks if Auto Zone is a single-story building. Mr. Richards states that it is. Ms. Engerman asks if they are in front of the Planning Board to extend the Auto Zone. Mr. Richards states they are not in front of the Planning Board, they will be before the ZBA at the next hearing to discuss expanding some of the other proposed buildings on the site.

Mr. Elkallassi recommends that the Building Commissioner walk the site and if they deem it safe and secure than he would recommend the issuance of the Certificate of Occupancy as long as the bond is in place. The bond must be approved by the Board of Selectmen. Mr. Elkallassi states they will continue the hearing for the bond and proposals for the parking and landscaping for Mr. Rowley to review.

**MOTION: Mr. Eacobacci moves to continue the request for Certificate of Occupancy until October 25, 2017. Motion is seconded.**

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

**I. PUBLIC HEARINGS**

**II. CONTINUED PUBLIC HEARINGS**

**A. Petition #31-17 – J. Donegan – 2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road**

Present before the Board: Zach Richards

Mr. Richards requests to continue the major modification until October 25, 2017.

**MOTION: Mr. Eacobacci moves the request for the major modification until October 25, 2017. Motion is seconded.**

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

**B. Petition #29-17 – Dorothy Schnetzer – 31 Priscilla Avenue**

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 to October 25, 2017. Motion is seconded.**

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

**C. Petition #32-17 – Dean Gilhooly – 18 Pine Lake Drive**

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

**MOTION:** Mr. Eacobacci moves to continue the public hearing until October 25, 2017. Mr. Morrison seconds.

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

**D. Petition #33-17 – Angelo & Melody Salvadore c/o Michael Saraive – 15 South Boulevard**

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

Mr. Buckland had received a phone call from Michael Saraive requesting to withdraw the application. Mr. Elkallassi states there is an e-mail stating that they are requesting a continuance. The Board will continue the public hearing until October 25, 2017.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until October 25, 2017. Motion is seconded.

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

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

**A. Correspondence**

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

**B. Upcoming Hearings:**

November 8, 2017	#38-17	Special Permit/Variance	David & Eldon Moriera	33 Cleveland Avenue
November 8, 2017	#39-17	Special Permit/Site Plan Review	Blue Wave	Off Charge Pond Road
November 8, 2017	#40-17	Special Permit/Site Plan Review	Blue Wave	Off Charge Pond Road
November 8, 2017	#41-17	Special Permit/Site Plan Review	Blue Wave	Off Charge Pond Road
November 8, 2017	#42-17	Special Permit/Site Plan Review	Blue Wave	Off Charge Pond Road
November 8, 2017	#43-17	Special Permit	Spencer & Katherine Vachon	225 Glen Charlie Road
November 8, 2017	#44-17	Special Permit	Heidi Dobbins-Morse	Spring Avenue

**C. Decision Deadlines**

December 26, 2017 – Special Permit / January 5, 2017 - Variance	#29-17	Special Permit/Variance	Dorothy Schnetzer	31 Priscilla Avenue
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
December 26, 2017 – Special Permit / January 5, 2017 - Variance	#33-17	Special Permit/Variance	Angelo & Melody Salvadore c/o Michael Saraive	15 South Boulevard
February 6, 2018 Special Permit/ February 16, 2018 Variance	#35-17	Special Permit/Variance	James Caporiccio c/o Leonard Bello	5 Albatross Avenue
February 6, 2018 Special Permit/ February 16, 2018 Variance	#36-17	Special Permit/Variance	Ken Deluze	2 Agawam Beach Road
February 6, 2018 Special Permit/ February 16, 2018 Variance	#37-17	Special Permit/Variance	Carlos & Mary Esteves	7 Beach Street

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

VII. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn the public hearing. Motion is seconded.

VOTE: Unanimous (5-0-0)

Date signed: 10-25-2017

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

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