

WAREHAM ZONING BOARD
MINUTES OF THE MEETING
Wednesday, October 13, 2021
Time: 6:30 P.M.
Place: Room 320
Multi-Service Center
48 Marion Road
Wareham, MA 02571

CALL MEETING TO ORDER

I. ROLL CALL

Members Present
Nazih Elkallassi
Chris Conte
Jim Eacobacci
Richard Semple
Jacob Morrison

Kenneth Buckland, Director of Planning & Community Development
Aaron Shaheen, Assistant Town Planner
Charles Rowley, Consulting Engineer

II. PRELIMINARY BUSINESS

Applicant Representative: Mark Bobrowski, Attorney

The board discusses whether the change from ownership to rentals for Settler's Glen is a substantial or insubstantial change. Mark B. states the change should be considered insubstantial. Mark B. states 25% would be priced affordably and 75% at market price. The board asked for an extension to October 27, 2022. Mark B. agreed to the extension.

III. CONTINUED PUBLIC HEARINGS

1. 39-20 First Hartford Realty Corp. – Special Permit, Variance & Site Plan Review – 3005/3013 Cranberry Hwy – Map 12, Lot(s) B & LC1 - Reign Car Wash-Motor vehicle Service

Applicant Representative: Curtis Q., VHB, Mac K., VHB, Jamie H, Developer, Shawn K., Applicant Attorney

The Applicant Attorney presents the status of the project. The AA believes they meet all the requirements for a variance including the substantial hardship caused by Mass DOT taking land for roadway construction. The AA is requesting a variance for a 15-foot landscape buffer. The board agrees with the AA and believes there is a substantial hardship.

Public Comment on Variance

Jilian Morton, Attorney
Jilian M. does not believe the hardship is unique and is against the board granting relief for the variance.

Applicant Testimony Cont.

Curtis G. discusses the changes made to the plans. Changes include:

- Curbing

- Grading
- Types of trees
- Construction details
- Fire Department access

Curtis G. states they have submitted a photometric plan. Curtis G. states they have not received any more comments from the fire department. Curtis G. presents their response to Charles R. peer review letter dated October 4, 2021.

The board discusses concerns about the design of the building, ponding, and access to the site from Route 28. The AA states they have changed the design of the building to make it less futuristic. Nazih E. is concerned about the access off Route 28. Matt K. states the turns in the vehicles will be moving slowly and traffic running eastbound has enough visibility. Matt K. believes the curb cut has the sufficient distance. Charles R. presents his letter to the board. Charles R. does not believe stormwater infiltration should be included in the landscape buffer. The AA states they addressed this concerned to the Building Inspector and the BI believes they do not need relief for this point. The AA does not agree with the Charles R. determination. Charles R. asked the board to consider having the applicant add wetland plants to the basin. The AA thinks it is reasonable to consider this as an option. Charles R. believes the proposed construction entrance on Cranberry Hwy could be moved to the back of the site at a safer location. Curtis G. states they will have to work with Mass DOT for the access permit. Charles R. is concerned with the maximum high ground water on the site. Charles R. does not believe the groundwater determination by the applicant is sufficient.

Public Comment

Jilian M. is concerned with traffic on site. Jilian M. client requests time to conduct an independent traffic study. Jilian M. does not feel the site is appropriate for a car wash.

Charles R. requests the board to ask the applicant to complete soil pits. The applicant asked the locations for the test pits. Charles R. asked for soil pits be dug in the infiltration basins.

Motion to continue the public hearing by Jim E., Second by Jacob M., Vote 5-0-0

2. 44-21 Soffron Holdings, LLC. – Variance/Use Variance – 2297 & 2299 Cranberry Highway – Storage Units

Applicant Representative: Jilian Morton, Attorney

Jilian M. asked to withdraw the application.

Motion to accept the withdrawal by Jim E., Second by Richard S., Vote 5-0-0

3. 47-21 Stephen Hurlburt – Variance – 2691 Cranberry Highway – Map 132B, Lot 1 – Legalize an already built structure

Applicant Representative: Jon B., Stephen H.

Motion to close the public hearing by Jim E., Second by Richard S., Vote 5-0-0

Motion to grant the variance as requested by Jim E., Second by Jacob M., Vote 5-0-0

IV. PUBLIC HEARINGS

1. 49-21 TJP Realty – Special Permit or Variance – single family dwelling -t 14 Over Jordan Road, Assessors Map 20, Lot 1017/B

Applicant Representative: Jilian M., Attorney

Jilian M. presents the special permit application to construct a single-family dwelling.

Motion to close the public hearing by Jim E., Second by Richard S., Vote 5-0-0

Motion to act on the project as a Special Permit by Jim E., Second by Richard S.,
Vote 5-0-0

Motion to approve with standard conditions by Jim E., Second by Chris Conte, Vote
5-0-0

**2. 50-21 Salvadore - Special Permit or Variance - new single family dwelling - 15
South Boulevard, Assessors Map 1, Lot 66**

Applicant Representative: Jillian M., Attorney

Jilian M. presents the Building Commissioner's denial letter. Jillian M. states the house is being razed but is under the thresholds for small lots. Jillian M. presents renderings of the proposal. The board discusses the three existing non-conformities that require relief. The board states they are in favor of the project.

Public Comment

Jim E. reads a letter in from Barbara M.

Motion to close the public hearing by Jim E., Second by Richard S., Vote 5-0-0

Motion to act on the project as a Special Permit by Jim E., Second by Jacob M., Vote
5-0-0

Motion to grant relief for the violations noted in the BC's letter by Jim E., Second by
Richard S., Vote 5-0-0

**3. 51-21 Riva - Special Permit or Variance - enclosed portion and staircase -10
Captain Collis Drive, Assessors Map 2, Lot 19**

Applicant Representative: Robert Riva

Robert R. presents the plan to create a staircase and enclosing a porch on the subject property. Robert R. states all of the direct abutters and abutters to them have signed a letter in approval of the project. The applicant states the existing deck will be screened in.

Motion to close the public hearing by Jim E., Second by Richard S., Vote 5-0-0

Motion to act on the project as a Special Permit by Jim E., Second by Jacob B., Vote
5-0-0

Motion to approve the plans as presented by Jim E., Second by Richard S., Vote 5-0-
0

**4. 52-21 Lapham - Special Permit or Variance - animal kennel - 8 Angel Cove Way,
Assessors Map 43, Lot 1028**

Applicant Representative: Dennis C., Attorney

Dennis C. states the property houses 7 dogs. Dennis C. presents photographs of the site. Dennis C. requests relief for his client to operate an animal shelter at the subject property.

Motion to close the public hearing by Jim E., Second by Jacob M., Vote 5-0-0

Motion to grant relief with standard conditions and that there be no more than 7 dogs by Jim E., Second by Richard S., Vote 5-0-0

5. 53-21 Dimauro - Special Permit or Variance - garage addition with living space above- 1 Blue Jay Terrace, Assessors Map 46A-1, Lot 27 & 28

Applicant Representative: Mary Anne Navarro

Mary N. presents her project to add a one-car garage with a living space. Mary N. states they are awaiting approval for Conservation. Mary N. is requesting relief for setbacks and lot coverage. Mary N. states the average lot coverage of the surrounding neighbors is 34.5%.

Motion to close the public hearing by Jim E., Second by Jacob M., Vote 5-0-0

Motion to act on the project as a Special Permit by Jim E., Second by Jacob M., Vote 5-0-0

Motion to grant the requested relief as outlined in the BC's letter by Jim E., Second by Chris C., Vote 5-0-0

6. 54-21 Field - Special Permit or Variance - garage with second floor living space 12 Whittemore Avenue- Assessors Map 1, Lot 189B

Applicant Representative: David E., Attorney, David Field, Owners

David E. requests relief from the floor area ratio requirements of the zoning by-laws. David E. states the abutters are in favor of the project. The board does not feel the project is detrimental to the neighborhood.

Motion to close the public hearing by Jim E., Second by Richard S., Vote 5-0-0

Motion to act on the project as a Special Permit by Jim E., Second by Chris C., Vote 5-0-0

Motion to grant relief following the plans included in the application with standard conditions by Jim E., Second by Chris C., Vote 5-0-0

7. 55-21 Mannix - Special Permit, Variance, and Site Plan Review -"Crossroads Care Center" at 238 & 240 Sandwich Road- Assessors Map 133, Lot(s) 1100A & 1101A

Applicant Representative: Jilian M., Attorney, Frederick Mannix, Applicant. Bryan Wallace, Engineer

Jilian M. presents the revised plans and response letter to Charles R. peer review comments. Fred M. states they have taken comments from the public and Charles R. and incorporated them into the Site Plan Review. Fred M. states the facility is for

assisted living purposes. Bryan W. presents the revision for the projects. These include:

- Site entrance grading
- Stormwater management, catch basin

Charles R. states he needs more time to review the plans. Chris C. believes the building is too big for the property. Chris C. is concerned about available green space and sidewalks. Richard S. believes the building is big for the property but understand Fred M. has made changes for the board.

Public Comment

Karen C is concerned about the size of the building and believes it is a detriment to the neighborhood. Karen C. asks if there was a traffic study done on site. Alexis E. is concerned with the size of the building and traffic from the facility. Nazih E. asks if Plymouth Road is only for emergency access. Fred M. states it is only for emergency vehicles. Fred M. states there will be signage at the entrance and it would be enforced. Alexis E. is concerned about traffic on Route 6. Deborah is concerned with traffic and the emergency exit.

Charles R. is confused about what type of facility is being proposed. Charles R. does not if a licensed operator can provide for this facility. Charles R. is concerned about the fencing around the platform on the top. Nazih E. asks if there is an operator for the property. Fred M. states the use he is proposing is allowed under the zoning by-laws. Fred M. states it is an intermediate care center. Fred M. states he does not have an operator. Fred M. states the parking is for staff and residents is indoor and the building will be fully staffed and locked down. Nazih E. asks to have architecture plans stamped by a professional architect. Nazih E. asks for Fred M. to present plans titled "Proposed Intermediate Care Center" stamped by a professional architect. Charles R. is concerned about the floor plans of the floors for the proposed use.

Motion to continue the public hearing to October 27, 2021, by Jim E., Vote 5-0-0

V. ANY OTHER BUSINESS/DISCUSSIONS

Jim E. motions to recommend Troy Larson to the Board of Selectmen to become an Associate Member of the board, Second by Richard S., Vote 5-0-0

Motion to endorse Jim E., second by Jacob M., Vote 5-0-0

Motion to recommend Chris C to the Board of Selectmen to reappoint him as a member of the board., Second by Jacob M., Vote 5-0-0

Motion to adjourn, 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 PM1:10