

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: Wednesday, December 11, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
Jim Eacobacci, Clerk
Veronica Debonise
Jake Morrison
Jan Kendrick
Robert Haskell

Also Present: Ken Buckland, Town Planner
Charles Rowley, Engineering Consultant

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: November 13, 2019
No minutes to review.

Ms. Debonise walks in to the meeting at 6:36pm

B. Request for Minor Modification – Rosebrook Place

Present before the Board: Richard Serkey

Mr. Serkey states he wants to explain what brings him in and to suggest a resolution. He hands out three sets of plans to the board members. He states that the first of the three plans that he has just given the board, is the plan that was originally approved in 2011 for Rosebrook Place which is shown in Lot A on the Plan. The second plan was a division of Lot A in 2012 creating Lot B which contains the Marriott Hotel and Lot A-1 which contains everything else, it contains what is now the apartment building as well as the retail uses in front of the apartment building. The third plan is the plan that prompted the request of the minor modification. He mentions that it subdivides Lot A-1 on the second plan into A-2 and A-3 on the third plan and the purpose of doing so is to make accounting for common expenses easier for the Makepeace Company by putting different uses on separate parcels. He explains the reasons why it makes it easier.

Mr. Serkey requested the Board to consider this as a minor modification because there is no work contemplated by the submission of this plan. He reminds the Board that Mr. Rowley suggested to create a new right-of-way and submit as a form-c, subdivision plan to the Planning Board and the new right-of-way would be in an area which is already being used as a connector drive. It is paved and has sidewalks. Mr. Elkallassi makes a suggestion on how to proceed.

Mr. Haskell states that he believes what Mr. Rowley is suggesting is a better idea and the rest of the Board agrees with the exception of Mr. Morrison states he has no comment.

IV. PUBLIC HEARINGS

A. 45-19 Wareham Retail Management, LLC. c/o Highpoint Engineering – 1 Seth F. Tobey Road – Special Permit or Variance

Present before the Board:

Lindsey Wilson
Derek Redgate, Civil Engineer
Shaun Kelly, Traffic Engineer

Mr. Wilson states that this has been an ongoing project that they began with the first step forward with the Planning Board earlier this year. He mentions that this is the out parcel of the Walmart development that consists of approximately 4 acres. He adds that the two prior site plans did not go forward due to economic conditions at that time. Mr. Wilson states that initially the project was slated to be 16,200 square feet, and that the current proposal will reduce the square footage of they can get the relief that they need. The middle of the three proposed buildings is currently under construction for the operation of Aspen Dental. The Building closest to the entrance referred to as building#1 is what is in front of the Board today and they are trying to eagerly attract retailers and have recently gained interest in Starbucks but based on their building program, they require a drive-thru. Due to the By-law he mentions this is a twofold step process which step one is applying for a Use Variance to allow for a drive-thru and they are also in the process for an amended site plan approval but he needs the relief of the Board.

Present before the Board:

Derek Redgate

Mr. Redgate states he put together the set of plans that he would like to present and go over with the Board. He points out on the map the location of Building 1. He says the Site Plan Review was approved by the Planning Board with a larger building in the same exact location. He talks about different ways to get to that location from different entrance points.

Present before the Board:

Shaun Kelly

Mr. Kelly tells that Board that he has been very familiar with the area. He mentions that he was involved with the Walmart project as well from years ago. He reiterates the different entrances that serves the site. He mentions that they have updated their traffic study. He goes over the analysis. He tells the Board as they can imagine, the primary impact relative to the project will be the increased traffic associated to the Starbucks use. He also pulls out a chart displaying a summary of the traffic. Conversation ensued.

Mr. Haskell states that he has two concerns. His first concern is the traffic and feels that the analysis was under estimated and Mr. Kelly reiterates the study and talks about the different approaches and where density is and he feels very comfortable stating that the way the drive-thru is designed, he is not concerned with traffic.

Ms. Debonise has concerns as well. She states that she finds the intersection confusing as and doesn't feel comfortable with the idea of a drive -thru. She does mention that she would like to see a median on Tobey Road, and feels as if it is up to her, she will not approve the project to proceed. Mr. Kelly talks to her points and talks about valid reasons as to why a median is not a good idea nor is it allowed by DOT

Mr. Rowley says that he has not had a chance to see the plans. Mr. Elkallasi states he has no problem with the project and would like to see it put to rest. Mr. Morrison and Ms. Hendrick do not foresee an issue either and are in favor. It was reported that the Town Meeting article inadvertently left out the Commercial Strip District when proposing an amendment to the Zoning By-Laws to allow food service drive-thru.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to approve the plan as presented for a variance to allow for a drive – thru.

VOTE: (4-1-0) Mrs. Debonise Opposes

B. Amend application fees - Zoning Board of Appeals Special Permit in Rules & Regulations

Tabled by Mr. Elkallassi

MOTION: Mr. Eacobacci moves to accept the fee changes as presented. Mrs. Hendrick seconds.

VOTE: (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. 20-19 Coastal Cultivars – 0 Patterson Brook Road – Special Permit

Present before the Board: Attorney Donald Nagel,
Ben Smith, Founder of Coastal Cultivars
Brian Grady, G.A.F Engineering

Attorney Nagel states that this project is a proposal to cultivate and manufacture marijuana products in an existing industrial park and is an allowed use with a Special Permit. The property is about 14.5 acres, the grow area is up to 100 thousand square feet for outdoor plant cultivation and a processing building which is about 20,000 square feet. Currently the parcel is undeveloped, wooded area.

Mr. Smith introduces himself as the founder of Coastal Cultivars and provides some background information about his expertise and knowledge

Mr. Grady gives a quick rundown of the site plan and location. He mentions that prior to this, they have gone to the Planning Board and received a Form C approval for the subdivision and reviewed by the Planning Board and Mr. Rowley. He states that what that will do is extend the cul-de-sac approximately 125 feet into the site which is how they obtain the frontage for the development. He also says that there has been a subdivision approved on this property for a number of years but never been built and this is now the current plan. He presents to the Board what it is like once you get into the site that meets all CCC standards. Mr. Grady mentions that he is anticipating approximately twenty-Five (25) people on the shift that will grow to 50 people on site during harvest season, May – December. Mr. Grady mentions that there is a 53g account in place already. This building is strictly for cultivation and processing purposes only, no retail will be done on site.

Mr. Elkallasi asks the Board if they have any questions, and no one has any further questions, and no one in the audience has anything against the project.

MOTION: Mr. Eacobacci moves to continue the hearing to January 8th. Mrs. Debonise seconds.

VOTE: (5-0-0)

B. 23-18 – Anthony Grosso – 1 Rae Avenue – Special Permit or Variance

Mr. Eacobacci recuses himself from this hearing. Mr. Elkallasi names an alternate in this matter.

Present before the Board: Anthony Grosso
 Tom Morris, Outback Engineering

Mr. Grosso states that he is in front of the Board tonight requesting a Variance or Special Permit for a 21 car, used car license in conjunction with a 3-bedroom house. Mr. Buckland states that the first hearing was on July 11, 2018. It was opened and continued. Mr. Morris goes over the site with the set of plans in front of the Board. He mentions that the existing site is an existing single family home accessed over the private way of Rae Ave. He says that it is an existing gravel road and the entrance has been improved with recycled asphalt. He says that the proposed use is for a used car lot but they would like to retain the existing 3-bedroom home and only use a small portion which is the existing breeze way, carport as the business. Conversation ensued.

Mr. Elkallasi states that Rae Avenue is not the problem, it is the parking lot. He is not concerned with the traffic. He reminds Mr. Grosso that even if the Board grants the Special Permit to sell cars but it doesn't mean he is getting the license and Mr. Grosso will need to go in front of the selectmen.

Mr. Rowley expresses drainage concerns and makes suggestions.

The Board asks for a recess to allow the applicant to discuss this matter with the engineer for a few minutes.

The Board discusses the conditions that need to be met.

MOTION: Mr. Kendrick moves to close the public hearing. Mr. Haskell seconds.

VOTE: (4-0-0)

MOTION: Ms. Haskell moves to grant relief from the berm, Article 7, Section 763.4. Mr. Morrison seconds.

VOTE: (4-0-0)

MOTION: Ms. Haskell moves to grant the Special Permit with the condition to strip and replace the pavement and Mr. Rowley's approval within 25 days from today. Mrs. Debonise seconds.

VOTE: (4-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS

VII. STAFF REPORT

VIII. ADJOURNMENT

MOTION: Mrs. Kendrick moves to adjourn. Mr. Eacobacci seconded.

VOTE: (5-0-0)

Date signed: 2-26-2020

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

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2020 FEB 27 PM 3:02