

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: January 14, 2019

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members present: George Barrett, Chairman
Mike Baptiste, Vice Chair
Emmanuel Daskalakis
Marc Bianco

Also present: Kenneth Buckland, Town Planner
Charles Rowley, Town Engineer

III. PRELIMINARY BUSINESS

A. Meeting Minutes – December 10, 2018

MOTION: Mr. Bianco moves to approve the minutes for December 10, 2018. Mr. Daskalakis seconds.

VOTE: (4-0-0)

B. ANR – Borrego Solar – 77 Farm to Market Road

Present before the Board: Stacy Minihane, Beals and Thomas

This ANR had been previously reviewed and was required to add abutter information on the plan and also updated a property reference made on the plan. This plan was approved at the previous meeting with those conditions and is before the Board for endorsement.

C. ANR – Borrego Solar – 71 Charlotte Furnace Road

Present before the Board: Stacy Minihane, Beals and Thomas

Ms. Minahane states that this plan abutted property in Carver and was previously under question as to whether or not property in Carver could be used as a setback for the property. It was decided between Town Counsel and Richard Serkey that the Carver property could be used as a setback requirement.

MOTION: Motion made and seconded to endorse the ANR.

VOTE: (4-0-0)

IV. PUBLIC HEARINGS

V. CONTINUED PUBLIC HEARINGS

A. Special Permit – Winship, LLC – 20 Burgess Point Road

Present before the Board: Bill Clemmy

Most of the Board members had gone on separate occasions to view the site. There is a draft decision for the Board to review. There are proposed conditions in the draft. The applicant has had the opportunity to review the proposed decision and had requested that the Board not require a security bond. Mr. Daskalakis asks how they could ensure security without a bond.

Mr. Clemmy states they are only performing work on their own site, this does not involve any road work, or any impact on public access. Mr. Clemmy states that if there were a bond in place the town would not use it to stump the property.

Mr. Barrett states his only concern are the stumps near the roadway, and that may impact the road.

Mr. Clemmy states the stumps near the roadway will be ground below grade, not removed.

Mr. Daskalakis states he is still concerned how they would ensure that any damage that may be done would be repaired.

Present before the Board: Carl Clemmy

Mr. Carl Clemmy states they own up to the middle of the road and will maintain their property, and have maintained it over the years.

Mr. Bianco states he agrees with the bond not being required. Mr. Bianco agrees that the applicant would maintain their own property. Mr. Bianco states any future uses of the property would return before the Board and feels they need to allow the stump removal and move beyond it.

MOTION: Mr. Baptiste moves to close the public hearing. Mr. Daskalakis seconds.

VOTE: (4-0-0)

MOTION: Mr. Baptiste moves to accept the Special Permit with condition 9 – referring to the bond – removed from the conditions. Motion is seconded.

VOTE: (4-0-0)

B. Special Permit/SPR – Borrego Solar – 71 Charlotte Furnace Road

Present before the Board: Stacy Minihane
Richard Serkey, Esquire

Ms. Minihane states that since the last hearing the 50' setback from Carver has been resolved as well as the Fire Department access to the site. There is a 20' ring road around the site. There was a question regarding the storage battery. The battery is used to store excess energy to use during peak times.

Mr. Rowley states it is difficult to tell if the 50' buffer around the site needs to be graded or not. Ms. Minihane states their engineers were aware of the 50' required buffer.

MOTION: Mr. Baptiste moves to close the public hearing. Mr. Daskalakis seconds.

VOTE: (4-0-0)

MOTION: Mr. Baptiste moves to accept the decision for 71 Charlotte Furnace Road with the change as recorded by Mr. Buckland. Motion seconded.

VOTE: (4-0-0)

VI. REFERRALS

VII. ANY OTHER BUSINESS/DISCUSSION

A. Draft decision - Special Permit/SPR – Borrego Solar – 77 Farm to Market Road

MOTION: Mr. Daskalakis moves to approve the Special Permit/Site Plan Review for 77 Farm to Market Road. Mr. Bianco seconds.

VOTE: (4-0-0)

B. Draft Decision - Special Permit/SPR – Borrego Solar – 160 Tihonet Road

MOTION: Mr. Bianco moves to accept the decision for 160 Tihonet Road with the change as recorded by Mr. Buckland. Mr. Daskalakis seconds.

VOTE: (4-0-0)

C. Candle Paper Lane – Street Acceptance

Mr. Barrett states that Mr. Rowley performed an inspection of Candle Paper Lane along with the layout and has found the site acceptable to recommend acceptance to the Board of Selectmen.

MOTION: Mr. Daskalakis moves to recommend acceptance of Candle Paper Lane to the Board of Selectmen. Mr. Bianco seconds.

VOTE: (4-0-0)

D. 344 Glen Charlie Road – 61A

This item was discussed at the last hearing, but was not recorded. The applicant is requesting for this property to be removed from 61A.

MOTION: Mr. Bianco moves to recommend the property be removed from 61A. Mr. Daskalakis seconds.

VOTE: (4-0-0)

E. Discussion of Zoning Articles for Spring Town Meeting

Mr. Buckland states they will have to hold hearings for all zoning Articles. Town Meeting is April 22 of this year and Election Day is April 2.

a. Redevelopment Overlay

Mr. Daskalakis asks what the process for a floating zoning district is. Mr. Buckland states that this could be applied as a Special Permit in a location. There will be a set of criteria, design standards, and density requirements, and when a developer meets these criteria they could ask for a development review, very similar to the CR district, and a special permit.

Mr. Bianco asks if there is a particular area of town they would like to apply this to. Mr. Buckland states they would like to do this for downtown. There could be a defined geographic area in which this could be applied.

Mr. Daskalakis asks why they don't just add this to the zoning by-law instead of having a *separate district*.

Mr. Bianco feels there isn't enough time to review this zoning district. Mr. Bianco feels this requires further study.

Mr. Daskalakis states that he feels there isn't appropriate enforcement for the existing zoning.

Mr. Bianco recommends they choose 3 by-laws to present at town meeting.

Mr. Buckland suggests including the solar by-law in their review.

b. Front yard Junk Storage

Mr. Buckland recalls this item previously was contentious at the public hearings, especially in regards to the definition of a vessel.

Mr. Bianco is concerned with how these items will be enforced.

Mr. Barrett asks why these items are not being enforced currently. Mr. Buckland states that the way the by-law is written now does not allow him to adequately enforce these issues.

Mr. Daskalakis asks if Mr. Riquinha will be before the Board to explain the need for this by-law.

Mr. Buckland states that Mr. Riquinha was before the Board to explain this extensively at the previous Town Meeting.

c. Solar By-Law

Mr. Daskalakis asks if there is any hope to remove solar from any residential area in town.

Mr. Bairrett asks, if this is removed from all residential zones where he sees solar being placed.

Mr. Daskalakis states in commercial, industrial, and agricultural.

Mr. Barrett states he wouldn't like to see businesses and jobs displaced in lieu of solar panels.

Mr. Rowley states the state law requires reasonable regulations to allow solar.

The proposal for the solar by-law is to change the setback requirements in the residential districts. The front, side, and rear setbacks should be at least 50' from the applicants' property, but would require 200' from a residential property.

The proposed by-law says the array should be 50-100% screening from the site. Mr. Daskalakis asks if they could require the site be screened 100%. Mr. Buckland states that 100% screening would be too stringent.

Mr. Barrett asks if a solar applicant could be asked to perform a 1 to 1 agreement where they could clear a certain amount if they retained an equal amount in conservation restriction.

Mr. Rowley states they could do something similar to a previous solar project where the applicant was limited to clearing, nothing less than 50' in height could be cleared within the buffer zone. Mr. Rowley also states that they did not remove the tree from the roots, they cut the tree so that other growth could grow and fill in and provide more screening.

Mr. Bianco is concerned that up to 50% of a site could be cleared for solar use.

Mr. Barrett recommends wording the article so that no more than 50% of the footprint of the project can be cleared of trees, including trees cleared within a previous 5-year period, unless part of an approved forest management plan or protection of an equal area of forested land. Ariel photographs may be used to show the time and area of the tree clearing.

Mr. Rowley reminds the Board that they may allow waivers to these requirements for good reason.

Decommissioning will remain the same.

Mr. Rowley is concerned that the Zoning Board of Appeals will be the Special Permit Granting Authority under this by-law, but the Planning Board will be the Special Permit Granting Authority if Site Plan Review is required (such as for large, ground-mounted solar in residential districts).

Mr. Rowley feels that it does not make sense to have solar in commercial zones.

Mr. Bianco states he does not understand how solar could be viewed as a utility.

Present before the Board: Mr. Monise

Mr. Monise states he feels solar should go before the Planning Board so that applicant's cannot seek relief from setbacks through the ZBA.

Mr. Buckland's proposed Solar By-Law only changes the clear-cutting of trees and the setback requirements. Rowley feels there needs to be review of the entire by-law to ensure if only those portions of the by-law are replaced that there aren't any contradictions or conflicts with the language.

Mr. Daskalakis asks if they agreed to revise the By-Law so that the Planning Board will be the Special Permit granting authority. Mr. Daskalakis wants to retain power of Site Plan Review, regardless of who the Special Permit Granting Authority is.

Mr. Barrett explains that the SPGA will also perform Site Plan Review to prevent an applicant from going through the process twice, with recommendations from the Planning Board.

Mr. Rowley cautions referring to other sections of the by-law that may not be entirely applicable.

Discussion ensues regarding view of solar arrays in different zoning districts, relief, and setbacks.

Mr. Buckland recommends he revise the regulations in regards to the discussion this evening and present them at the next public hearing.

Mr. Bianco is concerned with the number of articles that are proposed to be presented at Town Meeting.

Mr. Rowley recommends holding off on the public hearings until the by-law reads how they would like it to.

d. Sign By-Law

Mr. Bianco asks why the Board of Selectmen are not bringing this forward on their own. Mr. Bianco is concerned with who will enforce these matters.

Mr. Rowley asks if the Board of Selectmen have a draft of the changes they would like to see. Mr. Buckland states that he does have a draft.

Mr. Bianco feels that the Planning Board can make recommendations and another Board can represent this at Town Meeting.

e. Site Plan Review

Mr. Daskalakis feels this has already been resolved at a previous Town Meeting.

Mr. Buckland states the Planning Board has received a memo from Mr. Daskalakis regarding Site Plan Review.

Mr. Rowley states there should be clarification as to then the ZBA or the Planning Board is applying Site Plan Review.

Mr. Barrett states that in the past if the applicant is required to go through Site Plan Review with the Zoning Board of Appeals, they would go through there Special Permit with them as well, with recommendations from the Planning Board.

Mr. Daskalakis states there is a proposal to have all applications come for a preliminary review before Site Plan Review.

Mr. Daskalakis also believes there should be a Design Review Committee to inspect how the design of buildings impacts the neighborhoods.

Mr. Buckland states he feels there should be proof that this is a viable methodology. This would begin with a review committee.

Mr. Barrett states his concern with that is that the project is already designed when they come before the Board and feels that their criteria should change so people know what to expect when they come before the Board.

f. Design Guidelines

VIII. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

IX. CORRESPONDENCE

A. See correspondence in packets.

X. ADJOURNMENT

MOTION: Mr. Daskalakis moves to adjourn. Motion is seconded.

VOTE: (4-0-0)

X. DOCUMENTS

Date signed: 1/28/19 3-0-1

Attest: George T. Barrett
George Barrett, Chairman
WAREHAM PLANNING BOARD

RECEIVED

Date copy sent to Town Clerk: _____

MAR 25 2019

TOWN OF WAREHAM
TOWN CLERK

MINUTES OF THE WAREHAM REDEVELOPMENT AUTHORITY

Tuesday, March 12, 2019

Time: 5:30 P.M.

Wareham Town Hall

54 Marion Road

Room 27

Wareham, MA 02571

I. CALL MEETING TO ORDER

II. ROLL CALL

Members present: Peter Teitelbaum, Chairman
Kenneth Buckland, Clerk
Derek Sullivan, Member
Richard Swenson, Member
Mary Bruce, Member

III. PRELIMINARY BUSINESS

1. Approval of Meeting Minutes: February 5, 2019, February 26, 2019

MOTION: Member Sullivan moves to approve the minutes of February 5, 2019. Member Bruce seconds.

VOTE: (5-0-0)

MOTION: Member Swenson moves to approve the minutes of February 26, 2019. Member Bruce seconds.

VOTE: (4-0-1) Member Sullivan abstains

2. Continued discussion re: 4 Recovery Road lease and DHCD repayment status

There is no update from DHCD. Chairman Teitelbaum recommends getting the tenant into the building and escrowing the lease funds until they hear from DHCD.

3. Continued discussion re: Tremont Nail Factory 200th Anniversary

Member Swenson states the next meeting on this is on March 28. A date has been set for August 24th, the next level of detail is being discussed. People have been assigned tasks and are performing these tasks. Clerk Buckland feels there needs to be a budget in order to determine what entertainment they could provide at the bicentennial celebration. People are reaching out to sponsors as well.

4. Continued discussion re: FXM Redevelopment Strategy

Mr. Mahady should be available next week to give a presentation on the report. Member Swenson will not be at the next meeting, the presentation will be put on for the 26th.

5. Discussion of Grant Opportunities

6. Discussion and Vote on Mass Development Technical Assistance Grant for Downtown

Clerk Buckland states that he is applying for a Technical Assistance grant from MA Development to provide a development component for an urban renewal plan for downtown. The grant can be up to \$50,000.00.

MOTION: Member Sullivan moves for Clerk Buckland to apply for the MA Development Grant. Member Bruce seconds.

VOTE: (5-0-0)

IV. AUTHORITY BUSINESS

V. ANY OTHER BUSINESS/DISCUSSION (This time is reserved for topics that the WRA members did not reasonably anticipate would be discussed)

Member Sullivan discusses requesting funding from the state, including DCR.

Member Sullivan discusses having the money from beach stickers go into a revolving fund in order to complete beach nourishment programs, instead of the money going into the general fund.

The New Bedford Work Force is also looking for space to work in. Member Sullivan states there is a small space in the Multi-Service building.

At the end of April the owner of Echo, which is the old general store, is looking to utilize the parking lot at Tremont Nail for one of her events. Member Sullivan states that he is concerned this will be happening during the same time as refurbishing the skin on the steel building and during the same time that Tracy Costa will be on the site.

VI. CORRESPONDENCE

1. Letters of interest
2. Clerk's Report re: Activities at Tremont Nail Factory and WRA matters

There is discussion regarding parking for Verilife. There has been the thought of having people parking downtown in lieu of utilizing the parking and shuttle at Tremont Nail.

There is a conservation meeting next week for the remediation at Tremont Nail.

VII. SIGNING OF DOCUMENTS

VIII. MEMBER COMMENTS

IX. ADJOURNMENT

MOTION: Member Sullivan moves to adjourn. Member Swenson seconds.

VOTE: (5-0-0)

Date signed: 3/19/19

Attest: [Signature]

Kenneth Buckland, Clerk
Redevelopment Authority

Date copy sent to Town Clerk: _____

MINUTES OF THE WAREHAM REDEVELOPMENT AUTHORITY

Tuesday, March 5, 2019

Time: 5:30 P.M.

Wareham Town Hall

54 Marion Road

Room 27

Wareham, MA 02571

I. CALL MEETING TO ORDER

II. ROLL CALL

Members present: Peter Teitelbaum, Chairman
Kenneth Buckland, Clerk
Derek Sullivan, Member
Richard Swenson, Member
Mary Bruce, Member

III. PRELIMINARY BUSINESS

1. Continued discussion re: 4 Recovery Road lease and DHCD repayment status

DHCD has not answered at this point. This is their busiest time of year due to grant applications.

2. Continued discussion re: Tremont Nail Factory 200th Anniversary

There is a meeting on Thursday March 7 at Eastern Bank to discuss this. Clerk Buckland was thinking of having ice cream and bouncy houses for the event. Chairman Teitelbaum suggests having this and the Meet Me at the Tremont event on separate days. The Authority recommended different ideas for the celebration. Member Sullivan likes the idea of having this as a family friendly event.

3. Continued discussion re: FXM Redevelopment Strategy

FXM is waiting for some information from Clerk Buckland in order to complete the report.

IV. AUTHORITY BUSINESS

V. ANY OTHER BUSINESS/DISCUSSION (This time is reserved for topics that the WRA members did not reasonably anticipate would be discussed)

VI. CORRESPONDENCE

- 1. Letters of interest**
- 2. Clerk's Report re: Activities at Tremont Nail Factory and WRA matters**

The Lease and Host Community Agreement has been signed with Organa Brands.

VII. SIGNING OF DOCUMENTS

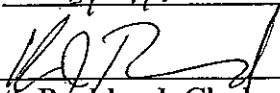
VIII. MEMBER COMMENTS

IX. ADJOURNMENT

MOTION: Member Bruce moves to adjourn. Member Sullivan seconds.

VOTE: (5-0-0)

Date signed: 3/19/19

Attest: 
Kenneth Buckland, Clerk
Redevelopment Authority

RECEIVED

MAR 25 2019

Date copy sent to Town Clerk: _____

TOWN OF WARRENHAM
TOWN CLERK

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: February 27, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

Also present: Kenneth Buckland, Town Planner
Charles Rowley, Town Review Engineer

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: February 13, 2019

MOTION: Mr. Eacobacci moves to accept the minutes as presented. Motion is seconded.

VOTE: (5-0-0)

B. 10-18 – Tim Smith – 83 Pinehurst Drive – Minor Modification

This matter has been resolved outside of the Board.

MOTION: Mr. Eacobacci moves to dismiss this matter. Mrs. Debonise seconds.

VOTE: (5-0-0)

C. 28-11 - Rosebrook Place – Site Plan Modification

Present before the Board: Richard Serkey, Esquire

Mr. Serkey is before the Board to present a plan from A.D. Makepeace regarding a Special Permit granted in June 2011, with a minor modification in February 2016. The project received its final Certificate of Occupancy in December 2018. The applicant is requesting a Site Plan modification presented to the Board. Mr. Serkey has created a proposed Owner's Association Trust in order to enforce the conditions on the site from landowner to landowner. A.D. Makepeace is requesting that the Zoning Board sign the Association documentation, which is a modification to the original permit. Mr. Bowen has received a copy of this Association.

MOTION: Mr. Eacobacci moves to endorse the letter for the Owner's Association Trust. Ms. Kendrick seconds.

VOTE: (5-0-0)

II. PUBLIC HEARINGS

A. 3-19 – Joseph & Anne Gomes – 22-24 Shangri-La Boulevard

Mr. Elkallassi abstains, Mr. Haskell will vote on this matter.

Present before the Board: Leonard Bello, Attorney

The applicant is requesting to construct a new 24' x 36' detached garage. It states that an accessory structure must have a setback greater than or equal to the primary structure, in this instance the garage would have less of a setback than the dwelling. Due to the topography of the site and the location of the water, this project meets the requirements of a Variance.

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

VOTE: (5-0-0)

MOTION: Mr. Morrison moves to approve the Variance as presented because the project is not detrimental to the neighborhood and the site meets the requirements of shape, size, and topography. Mr. Haskell seconds.

VOTE: (5-0-0)

B. 5-19 – Verizon Wireless – 191 Main Street

Present before the Board: Carl Gehring
Don Hays, Certified Health Specialist
Greg Buchard, Real Estate
Dan Brown, Radio Frequency Engineer

Mr. Gehring goes over the project, being a proposed 10 foot wireless rooftop antenna on top of an existing building. The application requires a Special Permit for the Use, but also requires a Variance due to the height restrictions. The building is already non-conforming as to the height, and they are proposing to add 10' to height with the antenna. This is what they call a stealth installation, as the antenna is hidden inside a compartment on the roof. This antenna will be placed on top of the elevator shaft bump out and cannot be seen from certain angles on the street. This is proposed to be painted white with the elevator bump out to match.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Special Permit and a Variance for the application as presented with the standard conditions. Mr. Morrison seconds.

VOTE: (5-0-0)

C. 6-19 -- Denise Kissell – 91 Great Neck Road

Present before the Board: Denise Kissell & Jason Thompson

The applicant is requesting a Special Permit, at the direction of the Building Commissioner, to construct a riding stable to house goats and one donkey.

Present before the Board: Roxanne Raymond

Ms. Raymond is in favor of this application.

Present before the Board: Scott Fitzgerald

Ms. Raymond is in favor of this application.

Present before the Board: Allen Tosey

Ms. Raymond is in favor of this application.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to approve the Special Permit with the standard conditions as well as the added condition with the maximum of five goats and one mule or one miniature donkey. Mr. Morrison seconds.

VOTE; (5-0-0)

III. CONTINUED PUBLIC HEARINGS

A. 34-18 – Steven & Cheryl Yurasha – 9 Jordan Road

Present before the Board: Richard Serkey, Esquire
Steven & Cheryl Yurasha

Mr. Elkallassi recuses himself from this hearing. Mr. Haskell will vote on this matter.

Present before the Board: Richard Serkey, Esquire

Mr. Serkey is representing Steven and Cheryl Yurasha, who are seeking a Variance for the front setback of their shed. Currently, the Zoning By-Law states that an accessory structure must have a setback equal to or greater than the primary structure. Part of this property borders on Upper Pond and there are wetlands on the property. If the shed were located with the same setback as the house it would be located in the wetlands. The accessory structure has already been constructed, but is screened by trees in the front of the yard. There is a petition in the file that shows support of neighbors in the neighborhood. There is also an anonymous letter in the file from an abutter in opposition to this project.

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

VOTE: (5-0-0)

MOTION: Mr. Morrison moves to approve the application for the Variance. Ms. Kendrick seconds.

VOTE: (5-0-0)

B. 1-19 – Jessica Nassif – 34 Hammond Street

Ms. Nassif requests the hearing be continued until April 24, 2019 in order to obtain a Certified Plot Plan of her property.

MOTION: Mr. Eacobacci moves to continue the public hearing until March 13, 2019. Ms. Kendrick seconds.

VOTE: (5-0-0)

C. 4-19 – LDE Holdings – 6 Thacher Lane

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

VOTE: (5-0-0)

IV. REPORT FROM DIRECTOR OF PLANNING

V. ANY OTHER BUSINESS/DISCUSSIONS

Mr. Buckland makes note that the application with RMRM to construct a new parking lot was extended multiple times. Mr. Serkey had applied for a constructive approval, at which point Mr. Buckland felt the regulatory time to file for a constructive approval had passed. Mr. Serkey has agreed to put a Covenant in place on the property that the applicant will wait until after the Cranberry Highway taking and construction, and will within three months of completion of the construction would re-apply before the board for the parking lot. Town Counsel, Mr. Bowen had reviewed this and stated it was a matter to be determined between Mr. Serkey and Mr. Buckland. The Board agrees to sign the Covenant Agreement.

MOTION: Mr. Haskell moves to sign the Covenant as presented. Ms. Kendrick seconds.

VOTE: (4-0-1) Mr. Eacobacci abstains

A. Correspondence

Upcoming Hearings:

April 24, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
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Decision Deadlines

May 8, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
Special Permit - April 23, 2019; Variance - May 3, 2019	#1-19	Special Permit/Variance	Jessica Nassif	34 Hammond Street

March 16, 2019	#34-18	Variance	Steven & Cheryl Yurasha	9 Jordan Road
May 14, 2019	#4-19	Special Permit/Site Plan Approval	LDE Holdings	6 Thacher Lane
June 7, 2019	#3-19	Variance	Joseph & Ann Gomes	22-24 Shangri-La Boulevard
Special Permit - May 28, 2019/Variance - June 7, 2019	#5-19	Special Permit/Variance	Verizon Wireless	191 Main Street
May 28, 2019	#6-19	Special Permit	Denise Kissell	91 Great Neck Road

VI. STAFF REPORT

A. Board Roles and Responsibilities

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

VI. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Mr. Haskell seconds.

VOTE: (5-0-0)

Date signed: 3-13-2019

Attest: James Eacobacci

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

RECEIVED

MAR 25 1973

TOWN OF WILSON
TOWN OF

MINUTES OF MEETING OF WAREHAM PLANNING BOARD

Date of Meeting: October 15, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members present: George Barrett, Chairman
Mike Baptiste, Vice Chair
Emmanuel Daskalakis
Mike King
Marc Bianco

Also present: Kenneth Buckland, Town Planner
Charles Rowley, Town Engineer

III. PRELIMINARY BUSINESS

A. Meeting Minutes – September 24, 2018

MOTION: Mr. Bianco moves to approve the minutes of September 24, 2018. Mr. Daskalakis seconds.

VOTE: (5-0-0)

B. Minor Modification – Hebb Builders – Spring Avenue

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

Hebb Builders have submitted a revised plan to show the proposed changes. There is a change in the septic system and elevations to reduce the amount of fill coming off the site. They are proposing to replace the fast press B combination system with a fast conventional trench system for the site. This has not gone before the Board of Health at this time. This is proposed to serve the entire site. Mr. Buckland states the grading will affect the drainage. Mr. Rowley feels he needs more information to make a recommendation. Mr. Rowley would like to see how the grading would impact the drainage. Mr. Barrett states they need more information before they grant the minor modification.

C. ANR – JDC Wareham, LLC – 2419 & 2427 Cranberry Highway

Present before the Board: Zach Richards, Bohler Engineering

Mr. Richards states there are currently three parcels on the site. The buildings that were on the three parcels have been demolished. The owner is proposing to move the property lines to better accommodate the proposed new buildings. Mr. Buckland states there may need to be a modification of the Special Permit performed if the lot lines change. Mr. Barrett is concerned that this could substantially change the parking requirements. Mr. Rowley feels the plan is incomplete because it does not show the buildings on the lots. Mr. Rowley asks if a 150' diameter circle would fit in the proposed ANR. It does not comply in terms of the shape factor.

Mr. Barrett recommends including the buildings and site features in the ANR.

Mr. Richards moves to withdraw the ANR submission.

D. Bay Pointe – Partial Tripartite Release

Mr. Rowley had gone out again to the Bay Pointe site and discussed with Mr. Reynolds additional releases requested from the tripartite agreement. Mr. Rowley states the shoulder where the dirt was dumped has been eroded. Cahoon Street is covered in dirt. Mr. Rowley considers erosion control and sediment control includes these items as well. Mr. Rowley states the stump pile is still on the site. Mr. Rowley recommends not releasing any funds in relation to erosion control or the stump clearing. The third item would be the loam pile, which is stockpiled and off site. Mr. Rowley believes the amount for the loam pile could be released along with the 50% they had for that expense.

MOTION: Mr. Baptiste moves to release \$9,300.00 for item 3, including the 50% town contingency increase for the total amount of \$13,950. Mr. Daskalakis seconds.

VOTE: (5-0-0)

IV. PUBLIC HEARINGS AND RECOMMENDATIONS

A. Zoning Articles for Fall Town Meeting

- **Continued Discussion – Article #14, Amend Zoning By-Law Article 5, Section 530: Unregistered Vehicle, and add new Section 535: Outdoor Storage**

Mr. Daskalakis asks if it would help to have a sub-committee to discuss these proposed by-laws to come up reasonable language for the definitions. Mr. King agrees this is a good idea.

Mr. Teitelbaum is before the Board and reads from the State Regulations as to what defines a vessel requiring registration. It explains that water vessels with motors are required to be registered.

Present before the Board: Don Jepson

Mr. Jepson asks if a boat on a trailer counts as one unit or two.

Mr. King states they have already voted to table this Article until the spring.

MOTION: Mr. Bianco recommends a further study of this until Spring 2019 . Mr. Daskalakis seconds.

VOTE: (5-0-0)

- **Continued Discussion – Article #15, Amend Zoning By-Law Article 6, Table 625: Accessory Buildings, add Table 628: Dimensional Standards for Existing Small Lots, and amend Table 625: Accessory Buildings**

Mr. Buckland reiterates that the Board had approved Table 625 with the additional language of the state definition of building height. There were discrepancies with Table 628 due to the FAR percentages. Mr. Buckland has an analysis of what that means in square footage with the F.A.R. descriptions.

Mr. Daskalakis feels there should be an amendment, because a lot at 5,001 s.f. would be allowed a smaller home than a lot at 5,000 s.f. Mr. Daskalakis recommends adding an asterisk that it not be less than the maximum allowed for the smaller sized lot.

Mr. Buckland does agree that this puts certain lot sizes at a disadvantage.

Mr. Rowley feels this puts development at a disadvantage because it forces the building to construct ranch style houses, it doesn't make sense to build two stories.

Mr. Buckland states there will need to be a Planning Board handout to show the proposed change for Article 625.

Mr. Barrett states the motion would have to read that they will change Article 625 and not Article 628.

Mr. Daskalakis asks if they could reference the change to the "latest edition of the state building code 780 CMR" would be sufficient. Mr. Buckland states it would be.

The Board keeps their motion from the September 24, 2018 hearing and established to add the language referring the state building code.

- **Continued Hearing - Article #13, Amend Zoning By-Law Article 4, add Section 460: Tremont Nail Factory Redevelopment Overlay By-Law**

Charlie's comments on TNF OD

Mr. Rowley states the marijuana aspect of this proposed by-law is a concern in itself.

As far as the content of the proposed by-law the first question Mr. Rowley has is that this refers to the Master Plan, which cannot be referred to yet because the document does not yet exist at this time. Mr. Rowley feels this is backward.

Mr. Rowley has the same comment in regards to the vision plan, which has not yet been completed.

Mr. Rowley states this by-law encourages the adaptive re-use of historic buildings, but the steel building is not historic, it was built in the 70's.

Mr. Rowley states this is proposed as an overlay district, but does not see anywhere that it is proposed to be added to the list of zoning districts in the zoning by-law.

Mr. Rowley states in regards to 462.1, it defines the district as Assessor's Map 132 with certain parcel. Mr. Rowley has concerns with defining zoning districts with parcels of land because parcels can change, unless specifying the current map in which the lots are referred to.

462.4 states that when a building permit is issued for any project approved in accordance with this section the provisions of the underlying district shall no longer be applicable to the land shown on the site plan which is submitted pursuant to this by-law. Mr. Rowley does not agree that this is appropriate language.

463 where it states the uses shall be allowed by special permit from the Board of Selectmen or their Designee. Section 460 identifies the Zoning Board as the permit granting authority for all projects, and non-conforming uses, and for Special Permits the Planning Board is the designee. Mr. Rowley doesn't feel it is appropriate to have any other board that Zoning Board of Appeals or the Planning Board doing any type of evaluation for Site Plan Review, and it should be consistent and remain this way.

In Section 463.2 other than prohibited uses, there are limited restrictions on allowed uses so long as noise, air quality, odors, vibrations, are all within acceptable limits. Mr. Rowley questions the language of "acceptable limits". Those are usually defined in terms of decibels, air quality, etc.

Mr. Rowley points out again that the uses should be in conformance with the vision plan.

Mr. Rowley asks if the WV-1 table is being modified to include the new proposed uses.

Uses not lawfully begun within 5 years of the acceptance of the by-law shall not be allowed.

463.6 in each of the uses listed even if they are already or prohibited in the underlying zoning, Mr. Rowley asks why they are being mentioned again.

Mr. Rowley is concerned about the density issues on the site.

In 464 it discusses the project and its design and impact should be approved by the Wareham Redevelopment Authority or in its absence the Board of Selectmen. This allowance includes no additional dimensional standards, no landscape requirements, no off-street parking and loading requirements, reduction in separation and dimensional standards in between uses as allowed by state law. Mr. Rowley states if that applies to the entire zone that would be an issue.

462.4 about reducing the setbacks from a marijuana establishment from a pre-existing public or private school reducing it to zero. Mr. Rowley disagrees with this and with the interpretation. Mr. Rowley states that CMR states that marijuana establishment shall comply with all local regulations, or where there is no local regulation at a minimum of 500'. Mr. Rowley feels the term "pre-existing" should be reconsidered as well.

MOTION: Mr. Bianco moved to recommend further study for Zoning By-Law Article 4, Section 460: Tremont Nail Factory Redevelopment Overlay By-Law. Mr. Daskalakis seconds.

VOTE: (5-0-0)

- Public Hearing - Article #16, Amend Zoning By-Law Article 11, Amend Section 1119.4.10: Off-Premises Directional Signs, amend Section 1122: Violations and Penalties, delete Section 1133: Off-Premises Signs, and amend Section 1135: Political Signs

Mr. Barrett is concerned that with this article a sign for a yard sale could be posted on someone else's property and someone who did not post the sign could be fined.

MOTION: Mr. Bianco moves to recommend this for further study. Mr. King seconds.

VOTE: (5-0-0)

- Discussion and vote on recommendation of Zoning Articles

Mr. Daskalakis feels that the Board should have more participation and discussion on zoning articles and should do more due diligence outside of the meeting.

MOTION: Mr. Bianco moves to close the public hearings. Mr. King seconds.

VOTE: (5-0-0)

V. REFERRALS

VI. ANY OTHER BUSINESS/DISCUSSION

VII. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

VIII. CORRESPONDENCE

IX. ADJOURNMENT

MOTION: Mr. Baptiste moves to adjourn. Mr. King seconds.

VOTE: (5-0-0)

X. DOCUMENTS

Date signed: 11/26/18 4-0-0

Attest: George T. Barrett

George Barrett, Chairman
WAREHAM PLANNING BOARD

RECEIVED

Date copy sent to Town Clerk: MAR 25 2019

TOWN OF WAREHAM
TOWN CLERK

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: February 13, 2019

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
Jim Eacobacci, Clerk
Jan Kendrick
Jake Morrison
Veronica Debonise – 6:40 PM

Also present: Kenneth Buckland, Town Planner
Charles Rowley, Town Review Engineer

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: January 23, 2018

MOTION: Mr. Eacobacci moves to approve the minutes. Ms. Kendrick seconds.

VOTE: (4-0-0)

II. PUBLIC HEARINGS

A. 4-19 – LDE Holdings – 6 Thacher Lane

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.
Jesse Pitts, LDE Holdings

Mr. Pitts is the CEO of LDE Holdings, they are requesting a Special Permit to have a marijuana cultivation, manufacturing, and retail facility at 6 Thacher Lane. There is a proposed addition at the rear of the building for cultivation on the site. There will also be a small parking lot added for the employees. The driveway into the building is at the end of the cul-de-sac. That is the existing entrance to the site. There is a fence surrounding the building on three sides of the building except for the front entrance of the building. Employee parking will be through a separate gated area. There are 17 parking spaces proposed on the site, including handicap parking. The site has Town water and Town sewer. There will be additional ventilation and air handling units outside of the building, the Planning Board had requested those items be screened in their review. The site does have stormwater management. The proposed addition for the building is proposed to be steel to keep in kind with the existing building as well as the other buildings in the industrial park. The Police and Fire Departments have reviewed this site. There is a purchase and sales agreement for the site, the sale will take place on February 20, 2019.

Mr. Elkallassi states he had gone through the comments from the Fire Department, the Planning Board, as well as Mr. Rowley's comments. Mr. Elkallassi states he is concerned where the additional stormwater

will go once the addition is built. Mr. Madden states that it is a difficult design, but the stormwater should be able to be managed with the proposed system.

This site does cultivation, manufacturing to create oils that will be sold out to a third party for processing.

Mr. Rowley questions whether a Variance will required from the requirements of the planting islands for the parking spaces. It appears there is ample parking spaces are provided and the space is available to install the planting islands. Mr. Rowley feels the applicant will have to provide information in regards to the requirements of Chapter 40A as to why the Variance should be allowed.

Mr. Rowley has concerns with the test pits done on the site in regards to the water table and is concerned the drainage on the site may not be adequate.

Mr. Rowley also states that the siding on buildings in the Industrial zone are required to be other material than metal, and will have to request a Variance on those requirements to construct the addition in steel.

Mr. Rowley is concerned with site lighting as well as some type of generator on the site. Mr. Rowley also doesn't have any specs for the proposed fencing on the site.

Mr. Madden states he believes they could meet the drainage standards to a degree that is manageable and reasonable.

Mr. Pitt states he feels the building as it is proposed will blend well with the surroundings. Mr. Elkallassi states that would be a request for a Variance. Mr. Madden states the existing building does not meet the architectural requirements. Mr. Elkallassi states that this is a new use and he believes the building needs to comply. Mr. Buckland recommends also determining what is viewed from the public way as that is the requirement of the by-law. Mr. Elkallassi states that color plans would help a lot for the Board to see what the façade would look like.

Mr. Rowley is concerned with the drainage and the water table.

Mr. Morrison states he is in favor of this site, being off the main road and back out of site.

MOTION: Mr. Eacobacci moves to continue the hearing until February 27, 2019. Mr. Morrison seconds.

VOTE: (5-0-0)

III. CONTINUED PUBLIC HEARINGS

A. 34-18 – Steven & Cheryl Yurasha – 9 Jordan Road

Present before the Board: Richard Serkey, attorney

Mr. Serkey requests a continuance until the next hearing. Mr. Elkallassi asks when the deadline for the public hearing is, Mr. Serkey states he believes it is March 16th.

MOTION: Mr. Eacobacci moves to continue the public hearing until February 27, 2019. Mr. Morrison seconds.

VOTE: (4-0-0)

B. 1-19 – Jessica Nassif -- 34 Hammond Street

No one is present at this time. The hearing is tabled.

MOTION: Mr. Eacobacci moves to continue the public hearing until February 27, 2019. Mr. Morrison seconds.

VOTE: (4-0-0)

IV. REPORT FROM DIRECTOR OF PLANNING

V. ANY OTHER BUSINESS/DISCUSSIONS

Present before the Board: Henry Dejesus

Mr. Dejesus is before the Board to request to expand parking at his car dealership. This was an allowed use by Special Permit in 1997. Mr. Rowley is not sure if expansion of an existing use requires conformance to current regulations. The existing Special Permit had allowed 9 cars to be displayed on the site and Mr. Dejesus is requesting to have 30 cars on display. Mr. Elkallassi states this will be a major modification and recommends having an engineer look at the site and also take into account the Cranberry Highway taking. The Board agrees this will require a major modification.

A. Correspondence

Upcoming Hearings:

February 27, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
February 27, 2019	#3-19	Variance	Joseph & Anne Gomes	22-24 Shangri-La Boulevard
February 27, 2019	6-19	Special Permit	Denise Kissell	91 Great Neck Road

Decision Deadlines

February 19, 2019	#23-18	Special Permit/Site Plan Review	Anthony Grosso	1 Rae Avenue
Special Permit - April 23, 2019; Variance - May 3, 2019	#2-19	Special Permit/Variance	Amy Rossi & Richard Runci	35 West Central Avenue

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

VI. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Mr. Morrison seconds.

Date signed: 2-27-2019 VOTE: (5-0-0)

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

RECEIVED

Date copy sent to Town Clerk: _____

MAR 25 2019

TOWN OF WAREHAM
TOWN CLERK

MINUTES OF THE WAREHAM REDEVELOPMENT AUTHORITY

Thursday, January 24, 2019

Time: 5:45 P.M.

Wareham Town Hall

54 Marion Road

Room 27

Wareham, MA 02571

I. CALL MEETING TO ORDER

II. ROLL CALL

Members present: Peter Teitelbaum, Chairman
Kenneth Buckland, Clerk
Derek Sullivan, Member
Richard Swenson, Member
Mary Bruce, Member

III. PRELIMINARY BUSINESS

1. Approval of minutes of January 17, 2019

MOTION: Member Bruce moves to approve the minutes of January 17, 2019. Member Swenson seconds.

VOTE: (4-0-1)

IV. AUTHORITY BUSINESS

1. Continued Discussion of Organa Brands lease, HCA and project at Tremont Nail

Rich Bowen, Town Counsel, has approved the lease and HCA as to form. There is an e-mail in this regard. The lease has not been executed at this time, it must be executed with the HCA.

There is discussion regarding 24/7 surveillance as well as security on site.

2. Discussion and vote on 2 finalists to interview for Tremont Nail Factory Architectural Services

Clerk Buckland recommends interviewing Alan Lieb and Union Studios. Member Swenson, Member Bruce, and Chairman Teitelbaum are in agreement.

MOTION: Member Swenson moves to bring in Union Studios and Alan Lieb for interviews. Member Bruce seconds.

VOTE: (5-0-0)

The Authority agrees to hold interviews on a Tuesday day.

3. Discussion and vote re: Tobey Homestead

Chairman Teitelbaum states that the South Coast is going before the Historic Commission to tear down the Tobey Homestead to build emergency room expansion onto that portion of the property. There is a concern that if they are not allowed to tear down the building that the emergency room expansion would not take place and the hospital would pursue this at another location.

Chairman Teitelbaum would like to write to the Historic Commission showing the Redevelopment Authorities support for taking down the Tobey Homestead for the expansion.

Clerk Buckland recommends that the letter of recommendation be written as the approval of the removal of the Tobey Homestead, which covers everything.

MOTION: Clerk Buckland moves for the Redevelopment Authority to issue a letter of supporting the expansion of Tobey Hospital, including removal of Tobey Homestead if necessary. Member Bruce seconds.

VOTE: (5-0-0)

4. Continued Discussion of articles for Spring Town Meeting

Littleton Drive – To see if the Town will vote to authorize the Board of Selectmen to convey real estate title to convey property at Littleton Drive to the Wareham Redevelopment Authority.

Member Sullivan states the explanation on this will be big, since people will likely want to auction this off.

The Planning Board is not interested in holding a public hearing on the Redevelopment Authority Overlay district.

Chairman Teitelbaum states the Planning Board is required to hold a public meeting and make a recommendation on articles submitted to them.

MOTION: Clerk Buckland moves to request the Selectmen to add Littleton Drive to the warrant. Member Bruce seconds.

VOTE: (5-0-0)

Clerk Buckland states they are in a position to potentially have something happen at the Baker property in Town and it is not favorable to wait until Fall Town Meeting. This is proposed to be a two-step process, with the Planning Board approving the Master Plan, and the Zoning Board of Appeals will be the Board to grant approval.

Member Swenson is concerned that the Planning Board has the ability to deny the Master Plan process. Member Swenson also adds that the village zones are not in this.

Clerk Buckland states that the village zones could be included.

Member Swenson states this is giving the Planning Board more power, that they should be in favor of this by-law.

MOTION: Member Bruce moves to authorize Clerk Buckland to bring this to the Planning Board as a concept from the Redevelopment Authority. Member Swenson seconds.

VOTE: (5-0-0)

5. Continued Discussion of CDBG and EDIC accounts and consultant contracts

6. Discussion of downtown village redevelopment

On February 7th there will be the follow-up focus group meeting with Frank Mahady.

7. Discussion of 200th Anniversary Celebration for Tremont Nail
8. Discussion and vote to authorize Clerk Buckland to sign all invoices and contracts up to \$5,000.00

MOTION: Member Sullivan moves to authorize Clerk Buckland to sign all invoices of any value for the Wareham Redevelopment Authority, and to execute contracts with a value up to \$5,000.00. Member Bruce seconds.

VOTE: (5-0-0)

- V. ANY OTHER BUSINESS/DISCUSSION (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)
- VI. CORRESPONDENCE
 1. Letters of interest
- VII. SIGNING OF DOCUMENTS
- VIII. MEMBER COMMENTS
- IX. ADJOURNMENT

MOTION: Clerk Buckland moves to adjourn. Member Bruce seconds.

VOTE: (5-0-0)

Date signed: 1/29/19

Attest: [Signature]
Kenneth Buckland, Clerk
Redevelopment Authority

Date copy sent to Town Clerk: _____

RECEIVED

MAR 25 2019

TOWN OF WAREHAM
TOWN CLERK