

**From:** Rebecca Hemsley <rebecca@southcoastalmanac.com>

**Sent:** Friday, December 22, 2023 3:09 PM

**To:** Paul Turner; jnicols@wareham.ma.us; Joshua Faherty; dnr; Kenneth Buckland; Jonathan Dickinson

**Cc:** tim\_bigelow@yahoo.com; James Morrissey

**Subject:** December 27th ZBA meeting SHM 18 Green Street

Good day ladies & gentleman of the board,

As a direct abutter, (12 Green Street, Onset) I write with concerns regarding the upcoming meeting on December 27<sup>th</sup> to "reconsider Petition #12-23, SHM Onset Bay LLC....pursuant to the Court Order of Remand as the Applicant's Remand Request for Reconsideration for height of the boat storage structure located at 18 Green Street, Wareham, MA....."

Last week, I emailed John Boone & Greg Glavin at SHM & asked for an update on what to expect at the 12/27 meeting. I have yet had a response from them.

I respectfully request from both parties an explanation of the sequence of events since the meeting on May 24<sup>th</sup> 2023 where the ZBA ruled SHM not to exceed the 40' height restriction. I also respectfully request that the scheduled hearing December 27<sup>th</sup> be delayed until the ZBA provides me the documentation to support the reconsideration request, and answers to my questions highlighted below.

At the meeting in May, I encouraged SHM to be accountable for their Corporate standards, their commitment & claims to be an upstanding steward & partner in communities such as ours. Apparently, not as effective as I'd hoped, as there has been no progress in communications since. Only a continuing series of disregard for procedures, protocols, negligence of law, and discretion for their impact on their community & next door neighbors.

Here are some highlights -

In fact, they proceeded with building the West racks above the height restriction after the ZBA legally ruled against it in May.

They stacked the completed EAST racks with boats, AND THE TOP TIER LEVEL, see photo below, without an inspection & despite their repeated claims at just the April 26<sup>th</sup> meeting that they would NOT be stored on the top rack of either tower.

You can refer to the YouTube video (I wasn't there, I never got notified) from 1:17:33 - 1:18:43 (approx) where, when questioned by the Board on the height, SHM council responds, "they won't go above that top rack...they go underneath the top bar, correct Greg?" "yup" responds greg. I believe the engineer, somewhere around 1:18:05, reiterates "we are not going on top of this".

During this performance, there is also quite a lot of confusion as to what they height restrictions are, what the actual height of the racks that are being built are...what the pre existing ones were. We hear council toss out 40', their engineer 43' in reference to the new height of the new racks & then I hear 32' and 35' between them, when noting the pre existing racks. They hardly make a straightforward argument and refer to the height as if it has no significance to their argument or on the impact of their surroundings.

AGAIN, they stacked the East racks WITHOUT A BUILDING INSPECTION. The TOP LEVEL & Without APPROVAL that they were SAFE! The FIRE chief (Wareham or Onset, I spoke to both) told me this when I called concerned about the Oxygen, Fuel pods & other explosive materials stored against the Bigelows fence & within 50 feet of my property line for months. The fire chief assured me they had the proper permits in place for those, only ordered all operations to cease and the boats to be removed from the racks immediately, until engineered drawings were submitted, it was structurally bolted down, (because he said it wasn't!) inspections & approvals in place.

It's no surprise that the Fire the VERY next day was a disaster & a miracle that no one was hurt any worse than they were. Emergency vehicles couldn't get down the street, the dock fire water pumps weren't working, the fellow whose engine blew up couldn't be found for at least 20 minutes.

Now, Imagine that, with **2 towers of 4 tiers of boats**, literally filled with fuel, surrounding an engine on fire, startled people & no where to move.

We are nestled in this tiny footprint - susceptible to tides, micro bursts, boater errors, all kinds of exciting things that need to be taken into consideration when making such a gargantuan reconstruction of a marina. Whatever measures they are attempting, have PROVEN not SAFE within 50ft of their property line. PHEASABILITY study!!!!

The buzz seems to be that SHM can bloody well do what they like on their property, but within the bilaws, laws etc...that no one sitting at this table seem to understand or be able to explain.

Yet, that is the mission of the ZBA.

And SHM continues to do whatever they like, every day.

Please can the Zoning Board answer -

What were the recorded heights of the original pre-existing racks?

what is the recorded height of the newly built East Rack?

what is the ACTUAL height of the newly built East Rack?

what is the recorded height of the proposed West Rack?

what is the ACTUAL height of the under construction West Rack?

What is the ACTUAL setback of the property line in question at the West rack Site?

What is the Actual distance that they have begun construction of the West racks?

Someone will ACTUALLY have to go to the marina and measure the heights with their new lift equipment to verify this if they have not already done so.

Provide a copy of/ timeline for the original variance/permit/permission to build/excavate the footings for both East & West Racks Premature to having approval to erect them.

Provide a copy of the original variance/permit/permission to excavate/build the new sea wall.

Show that proper protocol was followed here and that the town & the abutters were notified of Safe Harbor Marinas intentions to reconstruct the new racks East and West at a height exceeding the legal restriction when they presumably applied to excavate for the footings? I believe this was in October of 2022.

Please also provide the certified mail "green card" for Rebecca Hemsley, 12 green Street that I never received or signed notifying me of the hearing where this was approved.

Please provide all copies of certified signed green cards you have for Rebecca Hemsley, 12 Green Street since 2016.

that the town was aware and abutters notified that during the reconstruction of the sea wall, they were also excavating in order to pour footings to accommodate the new construction of both racks which & that this was specifically approved by the town.

Furthermore, SHM has made no effort that I know of to improve signage in the neighborhood, encourage a slow approach by it's swelling membership of clients, safety, simply change the invasive lighting that was brought to their attention or provide a pheasability study (also raised at the May meeting)

Who is responsible for following up on these outstanding & ongoing issues?

ALL I have, as a voting citizen of Wareham, are town employees & representatives skirting me to the next department, reporting that certain folks no longer work there & of SHM "winning" an appeal in Massachusetts land court when I went to inquire with Sonia. No one seems to really know anything.

As a concerned party, I would be most appreciative if the facts could be provided in order to be prepared & as thoughtful as possible moving forward.

We have already all come to the table to discuss this. If we have to do so again - please, let us all be prepared.

I've included a few visuals to bring the board up to date as to what's been happening around Safe Harbor Marina since we last all met in May!

And a gentle reminder ya'll, of your mission to us as elected members & employees of the Town Planning & Community Development.

Look, I just want to be able to turn to my neighbor and say "good job" and mean it. I can't do that right now, and that sucks. I want to turn to you guys and say, "well done!" and mean it.

It's pretty simple, if we come to the table respectfully & collaboratively to resolve this, we can all get what we deserve & need, not necessarily what we want.

Best wishes for loads of laughter & warm cheer with you & yours for the holidays!

Thank you kindly for your attention to this matter,

Rebecca

Planning and Community Development

Mission Statement

**The express mission of the** Department of Planning and Community Development [including Conservation Commission and Zoning Board of Appeals] is to make Wareham a better place to live, work, raise a family, and run a business. From the initial visioning and planning that leads to a project, out to the finish of construction, this department strives to provide superior customer service to residents, businesses and other town offices. There are four major activities:

- We have drafted an updated master plan - a vision of the future Wareham that is created by and for the community. We thank you for your participation and input. Watch for announcements and meetings on future updates!
- As we try to diversify and strengthen our economic base, we are working with our industrial and commercial sectors to ensure they view Wareham as an inviting community that is improving conditions for all.
- We also recognize that high quality open space and preservation of natural resources improves property values and the attractiveness of our town. We strive for balance.
- The Planning Board and Zoning Board of Appeals are always attempting to improve the required local project reviews. While antiquated state land use laws play a major role in what may realistically be accomplished in our town, this department is here to help. The staff has a dedicated work ethic to achieve the best outcomes and is available to explain the planning and permitting steps to you.

Please stop in or contact the office and tell us what's on your mind and let us know how we are doing in completing our tasks.

rebecca hemsley



**SOUTH  
COAST ALMANAC**

director marketing strategies 508.922.4030

po box 987 onset ma 02558

where the south coast comes to life!