

May 17, 2023

Paul Turner, Director of Inspectional Services  
Nazih Elkallassi, ZBA Chairman  
Town of Wareham  
54 Marion Road  
Wareham, MA 02571

Dear Mr. Turner; Mr. Chairman and Board Members:

As the neighbors to Onset Bay Marina, now known as Safe Harbor Marina at Onset Bay or SHM Onset Bay, LLC, (the Marina) we have been attempting to voice a few concerns with the renovations being sought by their General Manager, John Boone as represented by their attorney, Steven Guard, Guard Law, LLC for installation of new pile supported racks on the lower portion of their property, specifically lot 3-0-1014.

The Board of Appeals granted conditional or a limited Variance to the Marina on February 21, 1973. Do the conditions of this approval require the Petitioner to seek additional relief from the ZBA? We were unable to locate details on this approval. What was the Conditional or limited Variance Approval in 1973?

We understand that these new pile supported racks are double and triple boat deep and 4 levels in height. Four racks at 67' in length will store a lot of boats. Is this double the amount of boats being stored now or 4x the amount being stored on this lot now? Either way, the new, pile-supported racks will provide ample storage for the Marina, thereby eliminating the need for the temporary racks that are now located on the western side of the steel storage building and the backside of same. The neighbors request that these temporary un-supported racks be removed from the side and rear of the Marina's property for the safety of the employees of the Marina as well as the residents in the abutting homes.

At the ZBA meeting this past month, April 26, 2023, the board asked if the top rack would be used and it was stated that it would not be used. If it is built, it will be used. If the board Conditions their approval on the top rack not being used, at some point in the future the conditions will be forgotten and the top racks will be used. We ask the board to limit the height the boats can be stored. Number 3 Maple Avenue is a waterfront home but their view is limited (as well as others) due to the height of the racks.

The Marina seeks to dig new cement footings in a new location to secure new *larger and taller* racks. This would be a request for a Variance as these are not in the same location as the existing, smaller racks. A Variance is required as lot 3-0-1014 is approximately 24' from a residential zoning district, where 50' is required.

The Conservation Commission heard and approved the Marina's request for a new boat drop and bulked at the edge of lot 3-0-1014 this past autumn. The Petitioner should also be required to seek approval from the Conservation Commission to dig new footings and install new racks as the entirety of lot 3-0-1014 is within the Wetlands Ordinance. Has the Marina received approval from the CC to dig new pilings to support the new racks?

The Marina is not extending an existing non-conforming structure; they are building a new structure that is larger and taller with new secure footings in a new location, thereby requiring a Variance and approval from the CC.

The Marina sought and received approval by the Conservation Commission at their continued meeting (continued due to the failure to notify abutters), October 19, 2022. The neighbors do not have any issues with the renovations to the bulkhead. The neighbors had issue with the fact that they did not and still have not received notification regarding what the Marina is seeking from the ZBA and at the time, the CC. (An invitation to ask questions was sent to a few neighbors from the Manager of the Marina for May 18, 2023. Due to illness and other reasons, several of us were not able to attend). An abutter's list was formerly requested by the Engineers representing the Marina. The request is shown to have used 18

Green Street as their address when their deed states that this property is “known as 18 Greene a/k/a Green St., 7 Greene St., 3 Campbell St., and 4 Campbell St., 3 Green St., and 7 Gray St., Wareham, MA” – handwritten on the side is “Green Prospect Beach & Nanumet Sts”. We are not sure how only 14 abutters were notified (one was themselves, another was the Town of Wareham); however, the proper number of abutters to be notified is around 50.

**Please see the Map attached** outlining the abutters that were notified with a red check and the abutters that should have been notified with a green circle or dot. ***All green dots are direct abutters and abutters to the direct abutters within 300’.*** One person on Maple Street was notified. The entire length of Maple Street and all of Maple Avenue are either direct abutters or an abutter to the direct abutters surrounding the Marina’s property. Still today, none of the proper abutters have been notified. One person on Maple Avenue was notified. Their property directly abuts Lot 3-0-1014. Even though the Marina was made aware of this problem with the abutters at the Conservation Commission meeting, they did not properly request the abutter’s list to the Assessor’s office in order for the proper notification of their proposal before the ZBA.

[https://www.wareham.ma.us/sites/g/files/vyhlf5146f/minutes/conservation\\_minutes\\_2022-10-19.pdf](https://www.wareham.ma.us/sites/g/files/vyhlf5146f/minutes/conservation_minutes_2022-10-19.pdf)

Above link to the minutes of the CC meeting Oct. 19, 2023

#### Existing Conditions:

- The racks on the Marina’s property along the west side of the steel storage building, facing the rear of the residential properties on Maple Street were TEMPORARY racks and do not have secure footings.

#### ***Photos of wooden shims under steel leg/foot of temporary racks***



- Their temporary use was for short-term winter storage but the racks were never removed.

***View from bedroom window of 30 Maple Ave., Sept 2022 There is no longer a buffer of trees/shrubs to muffle the noise. Also note the use of the top rack.***



Their use was seasonal - a boat would be taken down from the rack and put into a slip for the season). The new larger and taller racks are proposed to allow boats to be taken down and put back several times per season. This will create additional noise, traffic and light to the neighbors on Maple Avenue and Maple Street. If these new racks are approved on the west side, the neighbors would like to know how the noise will be reduced now that the trees and shrubs are removed.

The trees were removed within the wetlands zone without permission of the Conservation Commission (as confirmed at the CC meeting in September/October 2022) along the far west side of the Marina’s property (running parallel with the back of the residential properties on Maple Street). The Marina has not yet submitted a new landscaping plan. The soil and silt along the

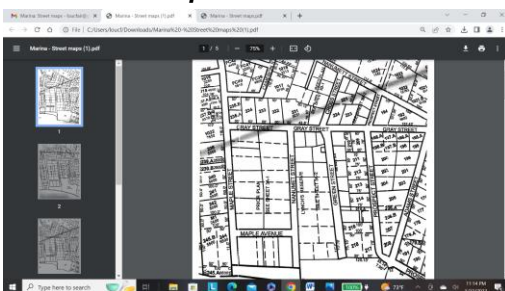
western edge has nothing to hold it in place any more or to deter it from running downhill directly into the bay (the entire property is on a downward slope towards the bay).

***View of 'berm' towards the back of the homes on Maple St***



- The road that runs through the Marina's property is a town owned street. The name of the road has been known to be 'Campbell Street'. On the Assessor's Maps, it is also known as "Nanumet St". On the Public Works Utility map, there are two streets shown. Nanumet runs from Gray St down along the buildings' west side, across Maple Ave to the bay. Campbell runs a few feet from the back of the Maple Street properties and stops at Maple Ave. The drainage running beneath this street within the confines of the Marina's property has collapsed. When the drainage collapsed several years ago, the silt ran downhill into the bay. This has never been corrected. The engineer's plan submitted to the ZBA does not show any drainage improvements.

***Assessor's Map – Nanumet St***



***Assessor's Map – Campbell St***



Campbell Street and/or Nanumet Street is/are still on the town's plowing plan as a street to be plowed. See the Public Works Utility Map. There is a gate at one end and a fence at the other. This is clearly being used by a private entity and not a public street. Is it a public street?

***The entrance to Campbell Street (or Nanumet St) has a closed gate with boats parked against it.***



***The exit onto Maple Avenue from Campbell Street (or Nanumet St) is now fenced.***



Are there drainage/storm water manholes on this property? Were there catch basins on either Campbell or Nanumet Street? If yes, where are the catch basins now?

Is there a requirement to have grease/oil separators on this property now that they are proposing a lot more storage of boats?

The Safe Harbor Onset Bay Marina has already stated their proposal to the Zoning Board of Appeals. Their proposal is on the town's website: <https://www.wareham.ma.us/zba-projects/pages/12-23-shm-onset-bay-llc-fka-bobm-inc-special-permit-18-green-st>

Since the Marina is doubling the size of their racks on lot 1014, there should be no need for the temporary racks on the side of the building where Campbell St (or Nanumet St) is.

I checked with the building department and there is no record of a permit for the temporary racks. The temporary racks should be removed as they also have outlived their use.

Is there a limit to the number of slips this marina can extend into the bay? There are about 120 slips now but the assessor's records show 87. Is this something that is permitted?

What are the requirements to protect our bay from oil, diesel, antifreeze or any other hazardous liquid that may leak from boats on their property? Is the Marina required to install oil/gas separators within their property so any leak running downhill will be caught before it reaches our bay?

Is the 18,000 gallon underground fuel tank inspected on an annual basis?

Thank you for taking the time to read and consider the issues from the neighbors. We are certain the Marina has only the best intentions for our bay and their neighbors. We ask that there be a few tweaks to their plans.

Kind regards,

Louise Civetti for Tammy Young, 30 Maple Street

CC: via email -