

ZBA#4-18

November 16, 2020

Ken Buckland, Town Planner  
Town of Wareham  
54 Marion Road  
Wareham, MA 02571

Re: **Special Permit Extension Request for 72 (Actually 70) Minot Avenue, Wareham.**

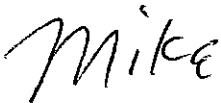
Dear Ken:

Please allow this letter to serve as a request to extend the special permit that was granted to Giancola Properties Minot, LLC for 72 Minot Avenue and filed with the Town Clerk on October 10, 2018 for an additional 12 months. A copy of the permit is attached.

The address of the existing building is 72 Minot Avenue. The proposed building has been given the address of 70 Minot Avenue. In order to avoid confusion in the future. I think we should refer to the property as 70 Minot in the future.

Please let me know if there is anything else I need to do.

Sincerely,



Michael Giancola, Manager  
Giancola Properties Minot, LLC  
508.759.3030  
mgiancola@ccim.net

**NOTICE OF DECISION**

**WAREHAM ZONING BOARD OF APPEALS**

**SITE PLAN REVIEW APPROVAL**

Applicant: Giancola Properties Minot, LLC

Owner: Same

Owner Address: P.O. Box 3, Pocasset, MA 02559

Subject Property Address: 72 Minot Avenue, Wareham, MA 02571

Subject Property Parcel ID: Assessors Map 44, Lot 1000

Date of Application: March 6, 2018

Dates of Public Hearing: June 20, 2018

Date of Notice:

**APPROVED SITE PLAN ENTITLED: "Site Development Plan, 72 Minot Avenue, Wareham, MA, Prepared for Giancola Properties Minot, LLC" PREPARED BY: G.A.F. ENGINEERING, INC. and dated August 2, 2018 and as revised through August 29, 2018, a copy of which is on file with the Wareham Zoning Board of Appeals.**

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In exercise of its discretionary powers, the Wareham Zoning Board of Appeals (Members Jake Morrison, Jim Eacobacci, Karl Baptiste, Jan Kendrick, and Wilma Engerman voting) voted - - for approval, and by majority approve the petition of Giancola Properties Minot, LLC, for Site Plan Review Approval to intensify the pre-existing non-conforming commercial use by allowing for the construction of a new building similar in size, design and character to the existing building in accordance with the plans submitted with the petitioners application comprising of (a) 16,650 sf building suitable for commercial building (b) one parking lot is proposed with an accumulative 58 parking spaces. The site is located on Minot Avenue and is Lot 1000 on Assessor's Map 44, located in the MR-30 Zoning District.

**A. THE BOARD FINDS THE FOLLOWING FACTS:**

1. The project is located at 72 Minot Avenue, Wareham. The site is a 196,891 sf parcel.
2. A Stormwater Report was prepared and submitted by G.A.F. Engineering dated August 6, 2018.
3. The site is currently developed with an operational commercial building on one half of the site. There are sewer, water and electric utilities within the vicinity of the project. The site will be serviced by water service from Wareham Fire District and town sewer service.
4. The development plan has been designed to reduce the impact on the environment as much as is feasible. Stormwater drainage will be collected and directed to infiltration chambers and detention pond.
5. The public hearing opened on June 20, 2018, and continued through until September 26, 2018. Plan revisions were made based on comments received from the Zoning Board of Appeals and consulting engineer, Charles Rowley, P.E.

**B. THE GRANTING OF SITE PLAN APPROVAL IS BASED ON THE FOLLOWING CONSIDERATIONS:**

1. Protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, and vibration.
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.
3. Adequacy of facilities of handling and disposal of refuse and other production by-products.
4. Protection of environmental features on the site and in adjacent area.
5. Promotion of appropriate arrangement of structures within the site and in relation to existing structures within the district and neighborhood.
6. Design of building, lighting, landscaping, wetlands, water courses, buildings and signs.
7. Compliance with applicable sections of the Zoning By-Law has been demonstrated.

**C. THE GRANTING OF SITE PLAN APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The allowed uses are to be consistent with the uses permitted by way of Special Permit for the Petitioner's existing commercial building at 72 Minot Avenue, Wareham, MA and as set forth in Paragraph #3 of the Zoning Board's Decision dated November 3, 2014 on Petition 2814 under conditions of the Special Permit. In addition to the above the Board finds as follows:
  - a. Contractor's storage shall be allowed.
  - b. Retail uses secondary to a primary use shall be allowed (for example, a plumbing or electrical supply company which primarily operates a wholesale business may conduct retail sales.)
  - c. Residential uses are prohibited other than as incidental to the operation of an allowed commercial use (for example; ambulance Company which has on overnight shift)
2. The project shall comply with all requirements necessary for obtaining road opening permits for driveways and utilities.
3. The Zoning Board of Appeals and its Staff shall have access to the project site to ensure that these conditions are complied with.
4. Any plan revisions shall be submitted to and approved by the Zoning Board of Appeals and construction shall conform to those final plans so approved. The Zoning Board of Appeals reserves the right to approve, without the need for a new noticed public hearing, any minor modifications.
5. During construction, debris shall be removed and disposed of properly, portable toilets shall be provided, work shall be performed between the hours of 7:00am to 7:00pm, and no work shall be done on Sundays or holidays unless approved by the Building Inspector. No stumps or other debris shall be disposed of on site.
6. Applicant shall comply with all bylaws of the Town of Wareham and the approvals and conditions of all Town Boards and Commissions and the Water District.
7. Changes in sewage flow and consequent changes in wastewater disposal required by the Wastewater Treatment Facility must be submitted for consideration for site plan modification.
8. Inspections shall be required for all site work as noted on the approved plans and the road opening and closing. Adequate notice, in no case less than 24 hours, shall be given to the Zoning Board of Appeals or its designee to make inspections of the work. A schedule of inspections shall be agreed upon the petitioner, the petitioner's contractor and the Zoning Board of Appeals or its designee prior to the commencement of any work on the site, including the clearing of trees. Funds for consulting engineer reviews shall be deposited in a 53G account.

9. A pre-application conference should be held prior to the commencement of work with notice given to the Zoning Board of Appeals, Staff, and consulting engineer of the time and place of the conference.
10. Inspections of site construction should include but not be limited to the following:
  - a. After limits of work and the hay bale line have been set but before site clearing commences,
  - b. After clearing is complete and high ground water elevations have been confirmed,
  - c. After storm drainage facilities are installed but prior to backfilling,
  - d. After pavement base material has been placed and graded to final subgrade,
  - e. After binder course of paving has been placed and before wearing surface is applied,
  - f. Paving of the wearing surface should include a complete cleaning and sweeping of the binder surface and with a complete tack coat of asphalt emulsion is applied to the binder surface by tack equipment. Hand application of emulsion will not be allowed except at joints where old and new pavements abut.
  - g. After final striping of the wearing surface and after landscaping has been completed along with loam and seeding of all disturbed surfaces.
11. No request for an occupancy permit should be submitted until a final site construction inspection has been made with a report to the Zoning Board of Appeals and Director of Inspectional Services that all work has been completed in accordance with the approved plan and Special Permit.
12. If an occupancy permit is requested prior to the completion of all site work, the Zoning Board of Appeals may allow that if proper security is posted in an amount and form satisfactory to the Zoning Board of Appeals.
13. If substantial use or construction permitted by this Site Plan Review Special Permit has not commenced within two years from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then this Site Plan Review Special Permit shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.
14. Any person aggrieved by this decision of the Zoning Board of Appeals may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk may so certify.
15. Groundwater elevations will be witnessed with test pits with the Town Engineer prior to final design of the stormwater system so that proper separation from groundwater levels is achieved.
16. The landscape plantings will be maintained for 2 years in accordance with section 1071 of the Zoning By-Laws.
17. Lighting will be limited to onsite-directed, shielded fixtures.
18. No outside storage of materials and equipment shall be allowed.
19. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Planning Board.

20. Any element of the use, site and building design not expressly approved hereunder is hereby denied.

We hereby certify that copies of this decision were filed with the Town Clerk (and Director of Inspectional Services) on October 10, 2018.

RECEIVED  
12:15 pm JD  
OCT 10 2018  
TOWN OF WAREHAM  
TOWN CLERK

WAREHAM ZONING BOARD OF APPEALS

\_\_\_\_\_  
Jake Morrison, Associate Member

\_\_\_\_\_  
Karl Baptiste, Member

\_\_\_\_\_  
Wilma Engerman, Member

\_\_\_\_\_  
Jim Eacobaaci, Acting as Chairperson

\_\_\_\_\_  
Jan Kendrick, Member

October 10, 2018

This decision shall not take effect until (a) a copy of this decision certified by the Town Clerk to the effect that twenty (20) days have elapsed since the decision was filed in the Office of the Town Clerk without any appeal having been filed or that any appeal filed has been dismissed or denied has been recorded in the Plymouth County Registry of Deeds or with the Assistant Register of the Land Court for Plymouth County, and (b) a certified copy indicating such Registry recording has been filed with the Board. Notwithstanding the foregoing, however, the petitioner may exercise his rights hereunder prior thereto, at its own risk that this approval may be appealed, as set forth below, and that a court may reverse this approval, and that any construction performed hereunder may be ordered undone, per Massachusetts General Laws, Chapter 40A, Section 11.

A TRUE COPY  
ATTEST

\_\_\_\_\_  
TOWN CLERK

Any person aggrieved by a decision of the Zoning Board of Appeals has the right to appeal such decision to the Superior Court, the Land Court, or the District Court of the Commonwealth of Massachusetts pursuant to Massachusetts General Laws, Chapter 40A, Section 17, by filing such appeal within twenty (20) days after the date on which the decision was filed with the Town Clerk.

Official Receipt for Recording in:

Plymouth County Registry of Deeds  
50 Obery St.  
Plymouth, Massachusetts 02360

Issued To:

GIANCOLA PROPERTIES  
PO BOX 3  
POCASSET MA 02559

Recording Fees

Document Description	Number	Book/Page	Recording Amount
NOTIC OR GIANCOLA PROPERTIES HINDI LLC OR WAREHAM TOWN APPEALS	00095662	50521 172	\$75.00

POST\$2 \$2.00

\$77.00

Collected Amounts

Payment Type	Amount
Check 682	\$77.00
	\$77.00

Total Received : \$77.00  
Less Total Recordings: \$77.00

Change Due : \$ .00

Thank You  
JOHN R. BUCKLEY, JR. - Register of Deeds  
By: Jacelyn Rhoads

Receipt# 2216927 Date 11/15/2018 Time 12:26p

*Copy of Deed  
Permits*

0682

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10-328-0304 or www.deluxe.com/shop

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