**MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS**

**Date of Meeting: October 24, 2018**

1. **CALL MEETING TO ORDER**

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

1. **ROLL CALL**

Members Present: Nazih Elkallassi, Chairman

Jim Eacobacci, Clerk

Karl Baptiste

Jan Kendrick

Wilma Engerman

Also present: Kenneth Buckland, Town Planner

Charles Rowley, Town Review Engineer

Paul Haverty, Attorney

1. **PRELIMINARY BUSINESS**
2. **Approve meeting minutes: October 10, 2018**

**MOTION: Mr. Eacobacci moves to accept the minutes as presented. Ms. Kendrick seconds.**

**VOTE: (5-0-0)**

1. **PUBLIC HEARINGS**
2. **#38-18 – Sunraise Development – 2382 Cranberry Highway**

Present before the Board: Bob Rogers, G.A.F. Engineering, Inc.

 Joe Harrison, Sunraise Development

Mr. Rogers states that this site has very poor soils and does not have sewer on the site. Solar would be the best use of the property with those site constraints. Solar is not currently an allowed use in the industrial zone. In April 2018 the Town of Wareham had come to an agreement in Superior Court with the McCarthy’s who own the property that the owners could apply for solar under the previous by-law as they were protected as an Approval Not Required subdivision.

Mr. Rogers reviews the plans for the project with the Board. The design was created to comply with the current by-law. Mr. Rogers states that the access around the property has been reviewed by the Fire Department. Mr. Rogers states they have submitted funds and are waiting for the review from Charles Rowley. Mr. Elkallassi states they will require a copy of the lease agreement for the property.

Ms. Engerman is concerned with the screening on the site.

Mr. Rowley states he would like to see test pits on the opposite side of the site as well.

**MOTION: Mr. Eacobacci moves to continue the public hearing until December 12, 2018. Mr. Baptiste seconds.**

**VOTE: (5-0-0)**

**MOTION: Mr. Eacobacci moves for Mr. Rowley to begin review of the project once the funds are available. Mr. Baptiste seconds.**

**VOTE; (5-0-0)**

1. **#39-18 – Sign Design – 3066 Cranberry Highway**

Present before the Board: Ashley Hemenez, Sign Design

Ms. Hemenez is requesting a Variance for the sign size. The sign is in kind with surrounding commercial properties in the area and the sign that previously existed on the building.

The applicant is seeking to replace front and sidewall signs on an existing structure under a new business name.

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

**VOTE: (5-0-0)**

**MOTION: Mr. Baptiste moves to approve the Variance. Mr. Eacobacci seconds.**

**VOTE: (5-0-0)**

1. **CONTINUED PUBLIC HEARINGS**
2. **#33-18 – Ninety Six, LLC – Fearing Hill Road**

Present before the Board: Robert Perry

Mr. Elkallassi states Mr. Bowen had discusses this with him. Mr. Buckland states in 2014 this parcel was shown as combined with other property on the lot. Mr. Elkallassi asks if Mr. Perry would mind continuing the hearing until they have a written statement from Town Counsel.

**MOTION: Mr. Eacobacci moves to continue the public hearing until November 14, 2018. Ms. Kendrick seconds.**

**VOTE: (5-0-0)**

1. **#36-18 – Michael Saraiva – 15 South Boulevard**

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

**MOTION: Mr. Baptiste moves to deny with prejudice. Mr. Eacobacci seconds.**

**VOTE: (5-0-0)**

1. **ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**
2. **#2-18 – Dakota Partners – 3102 Cranberry Highway**

Present before the Board: Peter Freeman, Freeman Law Group

Mr. Haverty states there is nothing new from what he noted at the last hearing, but Mr. Freeman did submit some revisions in the decision. Mr. Freeman states he had sent in a color coded decision. The Board reviews the changes proposed, changes the word security to surety. Minor technical wording is discussed without changed the intent of the conditions. Discussion ensues regarding wording and timing.

**MOTION: Mr. Eacobacci moves to grant the Comprehensive Permit by Dakota Partners based on the conditions discussed at this hearing. Mr. Morrison seconds.**

**VOTE: (5-0-0)**

1. **Correspondence**
	1. See correspondence sent via email and/or in packets.
2. **Upcoming Hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **October 24, 2018** | **#38-18** | **Special Permit/Site Plan Review** | **Sunraise Development** | **2382 Cranberry Highway** |
| **October 24, 2018** | **#39-18** | **Variance** | **Sign Design** | **3066 Cranberry Highway** |

1. **Decision Deadlines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **November 5, 2018** | **#2-18** | **Comprehensive Permit** | **Dakota Properties** | **3102 Cranberry Highway** |
| **Special Permit – 1-15-19; Variance – 1-25-19** | **#17-18** | **Special Permit/Variance** | **RMRM Realty, LLC** | **3035 Cranberry Highway** |
| **January 15, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **November 30, 2018** | **#33-18** | **Variance/Appeal** | **Ninety Six Realty, LLC** | **Parcel A, Fearing Hill Road** |

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

**VI. ADJOURNMENT**

**MOTION: Mr. Eacobacci moves to adjourn. Ms. Kendrick seconds.**

**VOTE: (5-0-0)**

Date signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 James Eacobacci, Clerk

 WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_