

Wareham Zoning Board of Appeals
Wednesday, April 10, 2024 – 6:30 p.m.
Minutes

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.

The following record pertains to a meeting held by the Zoning Board of Appeals at 6:30 PM local time. A video recording of this meeting is available for viewing. The record of the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

I. CALL MEETING TO ORDER

Mr. Elkallassi called the meeting to order at 6:32 p.m.

II. ROLL CALL

Present: Chairperson, Nazih Elkallassi, Jim Eacobacci, Richard Semple, Troy Larson, and Veronica DeBonise

Conservation Agent: Joshua Faherty
Town Consultant, Phil Cordeiro

III. PRELIMINARY BUSINESS

1. Approval of Meeting Minutes: 03/27/24

Mr. Eacobacci made a motion to accept the minutes of March 27, 2024, which Mr. Semple seconded. The motion passed unanimously. (4-0-0)

2. 17-18 Water Wizz – 305 Cranberry Highway – To determine that the reconstruction of Route 28 is now substantially complete.

Mr. Elkallassi reviewed when the project came before them about three years ago and last year the Water Wizz owners stated they would do a major site plan to the area as it is a dangerous site. He said that he would like to be able to ask the owners to come forward with a site plan for the area.

Mr. Eacobacci stated that since the meeting when they came to the board for the site plan review, which was approximately a year ago, there have been new owners.

Mr. Elkallassi stated the previous owners did not tell the new owners about the issues with the Town and that the Town expressed their concerns to the new owner within the year. He said they agreed to do a site plan review and then a few months later decided not to. He said they would be giving them three months to come before the board for a site plan.

Mr. Eacobacci motioned to table this discussion until the end of the meeting so the members could review the letter. Ms. DeBonise seconded the motion and it passed unanimously. (5-0-0)

At the end of the regularly scheduled hearings, the board brought it back to this discussion. Mr. Eacobacci said he had a chance to read the letter and he referenced the “timeframe by the covenant” may leave room for argument. He said he would like to add “no later than June 27, 2024,” which gives a definite date that something needs to be done. Board members agreed.

Mr. Faherty stated they have had a discussion with town counsel and would be open to the specific language. Mr. Faherty gave a brief overview of what the letter states.

Mr. Semple shared concerns about the separation of Rt. 28 but then modified it in front of Water Wizz. He said there is still an open driveway and it shouldn't be there.

Mr. Faherty stated that they need signage there to say they can't cut through. He said that the Fire Department and Police Department both addressed that concern as well. He said there is a curb cut that allows them to cut through.

Mr. Elkallassi said the big dilemma he had from a few years ago was exactly this spot. He said the curb cut was on a separate lot and that's how it started. He said then they increased the capacity at the park without the parking being corrected. He said the state had designed the curb cut before Water Wizz, as it was a Chinese restaurant on that lot.

Mr. Faherty stated the applicant is also in front of the Conversation Commission to fill a few wetlands and to replication. He said that the Commission requested a 2:1 ratio.

Mr. Eacobacci motioned to accept the letter as edited to be mailed to 3331 Cranberry Highway, LLC with the amendments that Mr. Eacobacci wrote today, April 10, 2024. The letter will be mailed certified as well as presented via a constable. The motion was seconded by Mr. Semple and passed unanimously. (5-0-0)

IV. CONTINUED PUBLIC HEARINGS:

1. 49-23 Kelsey McKenna & Jonathan Dallmeyer – Appeal – 504 Main Street

Mr. Eacobacci stated they received a letter to continue until April 24, 2024, which was seconded by Mr. Semple and passed unanimously.

Mr. Eacobacci motioned to continue 49-23, 504 Main Street to April 24, 2024; with the deadline extension to May 30, 2024. The motion was seconded by Mr. Larson and passed unanimously. (5-0-0)

2. 5-24 Walid Eldayha – Special Permit & Site Plan Review – 2544 and 2546 Cranberry Highway

Mr. Eacobacci stated they have requested a continuance until May 8, 2024; with the extension to May 30, 2024.

Mr. Eacobacci made a motion to continue 5-24, 2544 and 2546 Cranberry Highway to May 8, 2024, with the deadline extension to May 30, 2024, which was seconded by Mr. Larson and passed unanimously. (5-0-0)

3. 6-24 TTR, LLC. – Special Permit & Variance – 3 Tow Road

Mr. Elkallassi stated that the applicant was not finished with his plan so was unnecessary to come this evening. He recommended continuance until May 22, 2024.

Mr. Eacobacci made a motion to continue 6-24, 3 Tow Road to May 22, 2024, with the extension to June 30, 2024. The motion was seconded by Mr. Semple and passed unanimously. (5-0-0)

V. PUBLIC HEARINGS:

1. 11-24 Bank of America – Variance(s) – 2991 Cranberry Highway

Mr. Eacobacci read the legal advertisement for the record.

Jessie, ProSign Service was present to explain the upgrades to the sign for the Bank of America in the Stop & Shop parking lot. He explained the letters themselves would be illuminating as they are presently. He said it would be the same footprint and just have different branding colors.

Mr. Elkallassi stated they would be requesting a variance. There were no comments from the board members and no public comments.

Mr. Eacobacci motioned to close the public hearing which was seconded by Mr. Larson and passed unanimously.

Mr. Eacobacci motioned to approve as proposed, plans Stratus Sign, does meet MGL 40a, Section 10 and the variance is granted under section ... Mr. Semple seconded the motion and it passed unanimously. (5-0-0)

4. ANY OTHER BUSINESS/DISCUSSIONS

Town Engineer, Phil Cordeiro of Alan & Major Associates was present.

Mr. Elkallassi stated he asked Mr. Cordeiro to come to the meeting to discuss the Woodlands Cove drainage system.

Mr. Cordeiro stated he was on site last week and they indicated there were sentiment drainage issues. He said they should give them a day or two that needs to be resolved in that area and has a routine follow-up on Friday. Mr. Cordeiro stated the stones should work in the small areas; he said the bigger drainage system was approved before him.

Mr. Elkallassi asked if they checked the calculations and Mr. Cordeiro said he did, and it checked out. He said they needed to visit and revisit the site to stay on top of the work. He said they required an as-built and will compare it to the proposed plan. He believed it was a “mickey mouse” job.

Mr. Cordeiro stated he spoke to the applicant and that they need to present the board with an as-built plan. He said they did speak about the issues and was giving them some time, as they are still in construction to get the information correct.

Mr. Elkallassi stated he has informed the applicants that they need to meet the standards or the board does not have to approve or recommend the certificate of occupancy to the Building Commissioner.

Mr. Cordeiro stated they have to look back at what caused the sideways ground. Mr. Elkallassi said he thought it was at least a 6' difference. He said he doesn't understand why the Town should just agree to it and they didn't do it correctly. Mr. Semple agreed that it was their choice and they have shared their concerns from the beginning of the project.

Mr. Elkallassi stated the board has every right to refuse the project as it was built.

Mr. Cordeiro stated they have more work to do on the project and that he is meeting with them regularly.

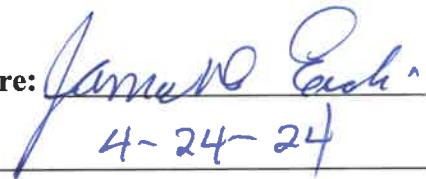
5. COMMENTS FROM BOARD MEMBERS

Mr. Semple stated that Mr. Larson's seat was expiring soon and wondered why. Mr. Elkallassi stated that he took over another seat and that seat expires this year.

Ms. DeBonise said there are no associate members, and they need to look into it. She said that Mr. Conti has expressed interest and has applied. Mr. Eacobacci said that he thought the Selectboard had denied his request. Mr. Elkallassi said he should apply again as there are new members on the Selectboard. Ms. DeBonise said she would reach out to Mr. Conti directly.

Mr. Eacobacci motioned to recommend Mr. Larson for full-member status on the board to the Selectboard. The motion was seconded by Mr. Semple and passed unanimously. (5-0-0)

Mr. Eacobacci made a motion to adjourn, which was seconded by Mr. Semple and passed unanimously. (5-0-0)

Clerk's Signature: 
Date: 4-24-24

WAREHAM TOWN CLERK
2024 APR 30 PM1:52