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

**Date of Meeting: February 28, 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, Sr.

 Jan Kendrick

 Wilma Engerman

 Jake Morrison, associate member

Also present: Ken Buckland, Town Planner

 Charles Rowley, Town Review Engineer

 Richard Bowen, Town Counsel

 Peter Teitelbaum, Selectman

Paul Haverty

1. **III. PRELIMINARY BUSINESS**
2. **Approve meeting minutes: February 14, 2018**

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

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

1. **Certificate of Completion – Mike Harrington – 0 Squirrel Island Road**
2. **PUBLIC HEARINGS**
3. **2-18 – Comprehensive Permit – Dakota Properties – 3102 Cranberry Highway**

Present before the Board: Peter Freeman, Attorney representing Dakota Properties

 Roberto Arista, Dakota Properties

 Jim O’Brien, Project Manager

 Dominique Rinaldi, Engineer

The applicant is proposing to construct 174 rental dwelling units within 6 buildings consisting of 3 or 4 stories. 106 of the units are proposed to be low income housing. Mr. Elkallassi states that the public will have 5 minutes each to speak due to the size of the meeting, that all questions and answers will be made directly to the Board.

Mr. Freeman states that they do have a traffic study but their traffic engineer is not present at this time. The first thing are the three jurisdictional items under the regulations, as a 40B project an applicant has to be able to be a limited dividend entity and Dakota has complied by being a limited corporation that will create a company that will enter into a regulatory agreement with a subsidizing agency which is DHCD which creates the limited dividend component as well as all the affordability restrictions. The next item is to control the land, and Mr. Freeman has submitted a purchase and sales agreement, so Dakota has control of the land through the purchase and sales agreement. The last thing is project eligibility which means it passes through a review that is cursory. DHCD has reviewed this project and made its eligibility determination in a Project Eligibility Letter (PEL). Mr. Freeman states this is proposed to be a three-phase project. Mr. Freeman states they would like to subdivide the property into four parcels.

Present before the Board: Roberto Arista, Dakota Properties

Mr. Arista states he would like to introduce Dakota Properties. They are a Massachusetts based developer and builder. They focus on housing and they are proud to provide homes for families who would otherwise have difficult affording them. Mr. Dakota states they are familiar with all of the state agencies and feel they would receive a good review if asked. Mr. Arista states that they own all of their properties and take good care of their properties.

Mr. Freeman states that the site already has amenities on site such as water and sewer, which is smart. Mr. Freeman also states this development is a good smart growth site. Mr. Freeman states that the existing motel is proposed to remain until the third phase of construction.

Present before the Board: Dominique Rinaldi, BSC Group, Engineer

Mr. Rinaldi states they are the civil engineers, land surveyors, and landscape architects for the project. Mr. Rinaldi states that Cranberry Highway is to the bottom of the page with Redbrook Road on the bottom right. There are two two-way driveways, one on Cranberry Highway and one on Redbrook Road for full circulation of the site. The project will consist of 6 buildings, 2 four-story buildings and 4 three-story buildings as well as a community building at the center front of the property. The parking will be distributed throughout the site, there are 260 parking spaces proposed. In the center the area is dedicated to open space, walking areas, benches, and landscaping. A playground is proposed adjacent to the open space area. The project will be extensively landscaped.

Mr. Freeman points out the piece of property in the middle of the site that is not their property.

Mr. Eacobacci asks if the application was complete. Mr. Buckland states that the application is complete except for the engineer review fees. Mr. Freeman states that they had submitted $5,000.00 dollars toward the review fee.

Mr. Elkallassi asks if Mr. Rowley had the chance to review the plans. Mr. Rowley states he had not been given authorization to begin the technical review and will only have questions at this time. Mr. Rowley states that part of the proposal is to create a subdivision on the property. One of the lots shown on the subdivision plan has no frontage. Mr. Rowley states that there is an easement proposed to go out to that lot, but that does not count as frontage. Mr. Rowley asks if that is a requirement will have to be met. Mr. Freeman states that the answer legally is that they are asking for a waiver for the lack of frontage for that lot, and that being a 40B project the Board has the authority to grant that waiver. Mr. Freeman states once it becomes combined with the front lot that will become a moot issue.

Mr. O’Brien reviews the subdivision of the lots. Mr. O’Brien shows a phasing plan for the project. Mr. O’Brien shows the bottom right lot as being the first phase of the project, which has the required frontage on Redbrook Road. The proposed lot to the farthest left, where the hotel is, is proposed as the second phase and has frontage on Cranberry Highway. The back proposed lot would be phase 3. Mr. O’Brien says what they have done is introduced and easement from phase 1 to phase 2 for the utilities, connection, drainage, water loops, and other elements that were necessary in installing the project in phases. The first phase is proposed to have 63 units, 2 buildings only, and those deals are done through tax credits, which take time. Mr. O’Brien states this project will be a 4-6 year project, that they will not build all 176 units at one. Mr. O’Brien states the first lot will house 63 units, the second lot will house 63 units, and the back lot will house 40 units. Mr. O’Brien states that each proposed phase will take about a year and a half. There is a fourth lot at the bottom of the site which is not to be developed. Mr. O’Brien states that lot one will be connected the lot 2 before phase 3 begins.

Mr. Elkallassi asks if it is possible to combine them all after phase 1. Mr. Freeman states that it is the end goal to combine them all into one lot. Mr. Freeman states it made sense to divide them into three lots is due to part of the purchase and sale with the owners so the land may be taken down in phases as well.

Mr. O’Brien states each phase will also have a separate LLC and will have different ownership and the reason for this is that there may be different equity investors for each phase. Mr. Elkallassi states they would be required to have three applications if that were the case. Mr. Freeman states that there is some flexibility in the 40B application. The applicant that will receive the permit is the current applicant that will create a single purpose LLC with the investors for the first phase and that is approved by DHCD and the state will approve that, the Zoning Board does not approve the transfer. The developer will still be involved with the LLC and they would be required to give the Board notice when it is involved in another in another LLC.

Mr. Elkallassi states to attorney Haverty that he is uncomfortable approving a lot with no frontage. Mr. Elkallassi asks why they can’t sell the land now, what happens if the land in the back is sold to another owner, then the lot would never have frontage. Mr. Freeman states he understand the concern, but the applicant has every intention of following through with the permit as proposed and that they would be willing to work out this detail with the Board.

Mr. Haverty states this is a very fair point that the Board wants to ensure that if the parcel is sold to a different entity that access will still be maintained to that parcel. Mr. Haverty states that the Board could condition the requirement of a specific easement to be filed before construction has commenced, or the applicant can review the plans for potential revisions. Mr. Freeman states that their intention states they will absolutely have the easements and that should be conditioned.

Mr. O’Brien shows the Board some renderings of the proposed buildings. Mr. O’Brien shows the three and four story buildings, which have the same building façade and roof line.

Mr. Elkallassi asks Mr. Haverty the timeframe the town would have to claim safe harbor. Mr. Haverty states if the town feels it has safe harbor it would have 15 days from this day to notify the applicant in writing that it meets a safe harbor, the grounds to why it believes it meets a safe harbor requirement, and they must also send that notice to DHCD.

Present before the Board: Peter Teitelbaum, Selectman

Mr. Teitelbaum states that the Board of Selectmen authorized him to send a letter to the Board of Appeals regarding the proposed project and the impacts it would have. In summary, the letter states that if each of the units house 4 people that would equate to 700 people living in these apartments, most of whom would be outside residents. It states that a project of this magnitude would increase Wareham’s population 2-3% and would have negative impacts upon public services and infrastructure. Mr. Teitelbaum requests that the Zoning Board impose requirements for studies on the various impacts to infrastructure and public services, and impose a peer review, in order to understand the extent and nature of such impacts so the Board can formulate the appropriate mitigation requirements. Among the public services that will be most impacted are Wareham Public Schools, the Wareham Police Department, The Wareham EMS, the Wareham Health Department, the Wareham Sewer Department, the Wareham Department of Natural Resources Animal Control Division, both the Onset and Wareham Fire Departments, the Onset Water Department, and the Massachusetts Department of Transportation which maintains Cranberry Highway. Of the infrastructure that will be substantially impacted are pipes, pumping, treatment systems operated by the Wareham Sewer Department, sewer capacity, wells, town roads, Cranberry Highway, electrical supply and other public utilities. Mr. Teitelbaum states he had sent a letter to the state regarding their concerns of the size and impact of the project, as well as sending a letter to the developer. The developer was asked by the Wareham Housing Authority if they had contacted MassDOT regarding the project due to the anticipated changes and takings that are to be made on Cranberry Highway the developer said they had contacted MassDOT. However, when the Town contacted MassDOT to obtain their referral for the project they were informed that the developer had not yet spoken to anyone in MassDOT regarding this project. Mr. Teitelbaum requests the Board act with the maximum scrutiny with this project.

Mr. Teitelbaum states he finds it interesting that there is already a debate with the developer regarding the cost of the peer review.

Mr. Elkallassi asks Mr. Teitelbaum if they can claim safe harbor.

Mr. Teitelbaum states he is unaware if they can claim that at this time.

Mr. Buckland states they are currently working on calculating the number of assisted living residences in town in order to claim safe harbor.

Mr. Elkallassi asks if there is anyone in the audience to speak on behalf of the sewer department.

Present before the Board: Jim Jiberti, Chairman of the Sewer Commissioners

Mr. Jiberti states that he is expecting the applicant to perform a survey of the infrastructure from where the connection is now, the expansion of that, and if the pipes are large enough to handle the increased volume, if the pump stations can handle the increased volume, and if there will be screening put in place to eliminate debris that may potentially clog the system. If there are sizing changes that need to be made they would anticipate that those changes be made during the reconstruction of Cranberry Highway to have minimal impacts.

Mr. Eacobacci reads the letter from Sewer Commissioner Guy Campinha into the record. The letter states that at the Board of Commissioners meeting that the Board voted unanimously to support the recommendation of Sewer Superintendent that there be a need analysis of the sewer pipes, manholes, pump stations, and wet wells at Depot Street and Dick’s Pond Pump Stations. It is also recommended that the cost of peer review by their engineers be borne by the applicant. Mitigation of grease and rags coming into the system, and any other mitigations that the Board determines be warranted.

Mr. Elkallassi asks Mr. O’Brien if he would like to speak.

Mr. O’Brien states he would like to communicate to the Board to make them aware of the type and process of communication they have had. The owner has several parcels that are in a taking discussion, as there are with many other properties on Cranberry Highway. Mr. O’Brien states they have spoken with the project engineer for MassDOT to determine the taking, and have even schedule the appraisal for the taking. The taking and curb cuts have been incorporated into the design. The project was originally proposed to be 325 units, which was reduced to 174 units. Mr. Elkallassi asks if they have spoken with DPW. Mr. O’Brien states they have not started the discussion with DPW as they were waiting for the discussions regarding the taking with MassDOT to finish first.

Ms. Kendrick asks if there is a local preference for any number of the units that are satisfied. Mr. Freeman states that is typically a condition Boards will impose. There are certain standards by the fair housing act to show that the 70% local preference is met.

Mr. Elkallassi asks the public if they would like to speak. Mr. Elkallassi recommends that the public come up in groups.

Present before the Board: Benjamin Hughes, Onset Water Department

 Matthew Costa, Legal Counsel to the Onset Water Department

Mr. Hughes states the Onset Water Department has concerns with the proposed project. A third party, independent, peer review should be required for this project. Mr. Hughes states that they had received the information regarding this project a few weeks prior to the hearing and had hoped the applicant would have come to them to discuss a project of this magnitude.

Mr. Costa states regarding the peer review especially regarding whether or not the district has capacity. Mr. Costa also states that from a legal point of view, the Onset Water and Fire are separate districts from the Town and that regarding the request for waiver from requirements from these Boards they question the authority of the Zoning Board to grant waivers of this magnitude on behalf of the Onset Water and Fire Departments. Mr. Costa requests that the departments be made aware of all correspondence be sent to the Onset Water and Fire Districts so they may be fully performed.

Mr. Elkallassi states that the Onset Water and Fire Departments will be informed of correspondence going forward.

Mr. Freeman states that there is no grey area, that the applicant is absolutely at right to request the waivers and also at right to request that the Zoning Board of Appeals act on behalf of the Onset Water Department in accordance with 760 CMR 56. The Supreme Judicial Court decided 10 years ago that separate districts and commissions are treated just like a “local board” under the 40B statute even though they are not part of the municipality.

Mr. Haverty states that he does agree with Attorney Freeman. Mr. Haverty states that the Board acting as that district has the right and the responsibility to ensure this project performs a study to ensure there is appropriate capacity for this project.

Mr. Freeman states that anything that is a subject of legitimate inquiry such as the capacity study will be satisfied. Mr. Freeman states they will perform the study.

Present before the Board: Lucille Dodson

Ms. Dodson states she lives around the corner from the proposed development, that her water and fire services are provided by Onset Water and Fire Department. Ms. Dodson states that a few months ago she had attended a public meeting in which a vote was made to expand the Onset Fire Department, however, the expansion must be smaller than the initial proposed expansion due to funding and Ms. Dodson is concerned with this fire department now having to account for 174 more units. Ms. Dodson is also concerned that the town is near sewer capacity and residents near the water treatment plant are subject to odors and such from the facility. Ms. Dodson states that she believes one third of the population is senior citizen fixed income and fees are continuing to climb. Ms. Dodson states there is another meeting regarding the elementary school, that one school is to be closed due to funding, and that the town cannot house 400 more students. Ms. Dodson went to the public hearing for Cranberry Highway and heard there were 500+ accidents per year on Cranberry Highway. Ms. Dodson states adding 400 more cars is unreasonable that Cranberry Highway cannot sustain this much more vehicle traffic. Ms. Dodson states this will multiply the number of accidents.

Present before the Board: Attorney Patrick Cook

Mr. Cook states he represents Mr. Richard Hadley who owns the front parcel of land in front of the proposed project. Mr. Cook states that Mr. Hadley is questioning the premise that the applicant has control of the land. After reviewing the project Mr. Cook states it appears that the boundaries of Mr. Hadley’s property are inaccurately depicted. Mr. Cook states that he has only communicated this to the applicant recently and that Mr. Hadley has intent to file quiet title and request additional field work. Mr. Cook requests that no permits or subdivisions be granted until this matter is resolved, or that in such a case the permit or subdivision is granted that it be conditioned to be required to resolve any and all boundary issues prior to any work commencing.

Mr. Elkallassi states that the counselor must take this matter up with land court, that the Board cannot make that determination. Mr. Cook states he is aware of that and wanted to make the point known to the Board.

Present before the Board: Maureen Scartissi

Ms. Scartissi lives in Indian Mound Beach and Ms. Scartissi wanted to know if the traffic study included the summer traffic in the area. Ms. Scartissi states the traffic is extreme in the summer. Ms. Scartissi states that she cannot imagine the additional traffic from these units during the summer months.

Mr. Elkallassi asks Mr. Freeman if the traffic study was done in the summer months.

Mr. Freeman states that in regards to Attorney Cook they have not heard any of these concerns from Mr. Hadley. Mr. Freeman also states that is a matter for land court.

Mr. Haverty states that site control is an issue under40B which is determined by the subsidizing agency in the project eligibility letter. The subsidizing agency has issued a project eligibility letter. The state regulations note that issuance of a determination of project eligibility letter shall be considered by the Board of the Committee as proof that the applicant has met the eligibility requirements.

Present before the Board: David Heard

Mr. Heard states that he has chosen to retire to Wareham and serves on the new school board building committee, the finance committee, and the audit committee. Mr. Heard states he is aware of the financial stresses the town is under right now. Mr. Heard states that Wareham is an affordable town, perhaps too affordable, and adding 174 units of affordable living will just exacerbate these issues. Mr. Heard states some of the big issues they are facing are the re-designing a new elementary school which is estimated to cost 70-90 million dollars. The water department in Wareham approved an 8 million dollar filtration system and is reviewing a 13 million dollar project for better water filtration. Onset Fire Department authorized 8 million dollars to construct a new fire department. Mr. Heard states that a new fire department for Wareham is required and they need a new police department. There are a large number of commitments facing the town in the future. Mr. Heard states that if Dakota properties were coming into town to clear this property to construct housing the town may request the applicant compensate the town for the project. Mr. Heard states that the lot also does not meet the required frontage, which is a requirement all residents of the town are held to. Mr. Heard states the average house and property value in Wareham is $285,000.00 and the average tax bill is $2,900.00. Wareham has 3,547 properties and homes that are assessed at $200,000.00 or less, which is extremely affordable. Mr. Heard states if you add the 11,000 mobile homes almost half of Wareham is assessed at less than $200,000.00. Mr. Heard states that according to the new Wareham Master Plan 40% of Wareham residents already pay over 30% of their income on housing. Wareham also has a multitude of rental units totaling 1,905. There are only 9,880 units as year-round housing. Nearly 20% of the town is already in rental units. Studies show that growth is good for towns, but only if there are jobs to supply them and the people moving into the town are skilled workers. Mr. Heard states that retail are the most available jobs in Town, and that the Town cannot afford this project.

Present before the Board: Debbie Ito

Ms. Ito states she is representing her neighbor who is not available to be at the meeting. Ms. Ito states her neighbor is concerned this will raise crime and taxes in town. Last year there were several weekend that Ms. Ito and her neighbor could not get off Redbrook Road due to the traffic backed up to the Cape. Ms. Ito states that on Redbrook Road her neighbor was robbed due to drug related activities, one of the people renting a home there was passing out in the road until they were removed, and a fire happened on the road that was drug related. Ms. Ito states the people living in the new development there are on fixed income, cannot afford the taxes and water bills to be raised. Ms. Ito states this is not smart growth. Ms. Ito states this is unfair for the residents that currently live in town. Ms. Ito requests that the Board encourage no development at all, and if they cannot deny the project to have the least amount of number of units as possible.

Mr. Freeman states that they have listened to all of the comments and will do their best to support everything they are asked for. Mr. Freeman states they would like to get the peer review going as soon as possible.

Mr. Eacobacci states that as a Board they cannot stop this project, they can only help mitigate the impact on the town. Mr. Eacobacci asks if they meet the certain thresholds that would allow all of the units to be affordable, even the market value units. Mr. Freeman states that they do meet the threshold to count all of the units as affordable units.

Mr. Elkallassi states he believes Mr. Eacobacci wants to know if these units would bring Wareham to meet their 10% threshold. Mr. Freeman states that he does not believe this puts them at 10%. Mr. Buckland states they had done the calculations and this development will put the town at 9.5% for affordable housing.

Present before the Board: Vincent Simone

Mr. Simone states looking at the rendering of the proposed buildings, they are visually appealing. Mr. Simone states he is concerned of the scale of this project in Wareham. Mr. Simone states that in the 1950’s there were a number of low income housing developments, later referred to as projects, and these were all eventually torn down. Mr. Simone states there was a lot of finger pointing of blame with these units. Mr. Simone states the sheer size and the isolation of these projects was essentially the problem that they had. Mr. Simone says smaller clusters of low to moderate income housing in established neighborhoods to encourage the residents connection to the community. Mr. Simone states he understands with the size of the lot it is tempting to build such a large project on the site, but Mr. Simone feels the approach to low income housing that incorporates the residents into the community is a better approach.

Present before the Board: Robert Dillon

Mr. Dillon states his question is regarding the information requested. Mr. Dillon asks if there is a list available of the requirements of this housing and a list of the waivers being requested, correspondence, and peer review available for people to review.

Mr. Elkallassi states this information is available in the Planning Department office.

Mr. Buckland states they will make this information available on the website.

Mr. Freeman states he doesn’t have anything further this evening.

Mr. Elkallassi asks where the pro forma is. Mr. Freeman states they did not include this in the application as that is included with the eligibility requirements review from DHCD. Mr. Freeman states he can supply that should the Board wish. Mr. Freeman states that in a nutshell that is not part of the application. If in the course of the hearing they feel they need to make a condition or request a reduction in the number of units the Board may look at the pro forma.

Mr. Elkallassi asks Mr. Haverty if they have the right to review the pro forma. Mr. Haverty states the Board may request to review it only after the following preconditions have been met. Those conditions being that the peer review has been completed, the applicant has had the applicant has had the opportunity to modify its original proposal to address issues raised, the Board has had the opportunity to propose conditions and mitigate the projects impacts and to consider requested waivers and the applicant does not agree to the conditions or waiver denials because they would render the project uneconomic.

Mr. Elkallassi asks if the maximum profit on a rental unit is 10% a year.

Mr. Haverty states that the housing appeals committee has a guideline that sets the profit limitation at around 7%.

Mr. Elkallassi asks if he asks the applicant to contribute to the sewer upgrade, how do they know the applicant is financial, he may say that makes the project financial unfeasible.

Mr. Haverty states that is why these steps are in place. The first step would be to complete the analysis to ensure there is a need for a system upgrade, and if there is then they may go to the applicant and request a contribution and then they may do a peer review to ensure is doesn’t make the project unfeasible.

Mr. Haverty states that he doesn’t find a lot of value in pro forma peer review. Mr. Haverty states that the Board should review the project and place their conditions on the project as they would since the chance is the condition will be required regardless of the pro forma review.

Mr. Eacobacci states the Board is essentially restricted to health, safety, open space, and building design concerns.

Mr. Eacobacci states that they will proceed with the peer review.

Mr. Buckland states there is an e-mail that has yet to be read into the record.

Present before the Board: Linda Scharp

Ms. Scharp suggests that perhaps the people at the hearing could congregate according to Mr. Elkallassi’s suggestion in order to have groups of people represented by one speaker. Mr. Elkallassi states that could be done outside after the hearing.

Mr. Elkallassi asks if they can give Mr. Rowley the approval to begin the peer review.

Mr. Buckland recommends the Board take a vote if Mr. Rowley should begin the review without all of the funds being submitted or not. The applicant still owes $1,300.00 for peer review.

Mr. Eacobacci reads an e-mail into the record.

The letter states the person is unable to attend the hearing due to illness. The letter states they are opposed to the project as a whole, there are too many units being proposed, this will be too much of a strain on all infrastructure when they are inundated with expenses and no way to pay for them, the site itself is too robust and not a practical location for this type of project, the school system is unable to keep a school open due to lack of funds, the school building is in need of repair or replacement. This is a huge strain put on the town. The e-mail was from Dorothy Turner.

Mr. Rowley states the subject of waivers had come up. Mr. Rowley states there are a multitude of waivers being requested, including waiving entire sections in their entirety. Mr. Rowley states that as part of his review he will be requesting areas of which where the applicant has complied and their level of compliance, if at all. Mr. Elkallassi states that would be his goal of next meeting.

Mr. Haverty states that is a good point about the extent of the waivers being requested. Mr. Haverty states the Board has the right to request specifics regarding the waivers rather than asking to waive entire sections.

Mr. Freeman states he encourage Mr. Rowley to reach out to their engineer with questions directly. Mr. Rowley states he will contact the engineer. Mr. Haverty also states that if Mr. Rowley notices something on the plans that may require a waiver that has not already been requested to notify the engineer of that as well.

Present before the Board: Lucille Dodson

Ms. Dodson states she urges the Board to go to the area and sit at the 7 Eleven and observe the traffic and the roads on Cranberry Highway and Redbrook Road. Ms. Dodson states that this will cause a lot of accidents. Ms. Dodson states that if there is an emergency you cannot leave Redbrook Road sometimes. Ms. Dodson states even if the state requires the town to allow this project to move it to another location.

Present before the Board: Maureen Scartissi

Ms. Scartissi states that people have been getting off Route 25 at Exit 2 and going down Redbrook Road to get to the rotary in order to avoid the highway traffic and Ms. Scartissi states the traffic is impassible.

Present before the Board: Debbie Ito

Ms. Ito suggests the Board have larger accommodations for the next hearing.

Mr. Elkallassi states that they need a vote to approve Mr. Rowley begin the peer review.

**MOTION: Mr. Eacobacci moves that Mr. Rowley begin the peer review for the project. Ms. Kendrick seconds.**

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

Mr. Eacobacci had stated that he would like to make a motion to request studies regarding the impacts stated in the letter from Mr. Teitelbaum. Mr. Haverty recommends against that, if the Board were to be found discouraging school age children from living in this development it would go against the fair housing act. Mr. Haverty does state that studies regarding infrastructure would be acceptable.

Mr. Elkallassi states he will consolidate the peer review to the sewer and water departments. Mr. Elkallassi states Mr. Rowley will review the traffic study as well and if necessary they will initiate additional review for the traffic study.

Mr. Buckland states that for the site visit they would like to have the property boundaries and the building locations of the site staked, as well as the proposed access.

Mr. Elkallassi states he will not be present for the March 28, 2018 public hearing. Mr. Elkallassi asks the Board if they could meet on Wednesday March 21, 2018. The Board states they could meet March 21, 2018. The Board will not be meeting on March 28, 2018.

Mr. Elkallassi asks if the Board can walk the site Monday, March 19, 2018. The Board states they can walk the site that day at 4:00 P.M.

Mr. Eacobacci asks the applicant if the owner would mind if any member of the Board walked the site at any point after March 14, 2018. Mr. O’Brien states the owner would like the members of the Board to be accompanied on the site and they could accommodate the Board to meet their schedule.

**MOTION: Mr. Eacobacci moves to move the regularly scheduled hearing on March 28, 2018 to March 21, 2018. Mr. Baptiste seconds.**

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

**MOTION: Mr. Eacobacci moves to continue this public hearing until March 21, 2018. Ms. Kendrick seconds.**

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

1. **CONTINUED PUBLIC HEARINGS**

**A. 46-17 – Ramos Realty Trust – 300 Glen Charlie Road – Requested Continuance**

The applicant has requested a continuance.

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

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

**B. 31-17 – Site Plan Review – J. Donegan – 2419 & 2417 Cranberry Highway and Seth F. Tobey Road**

No one is present at this time.

**MOTION: Mr. Baptiste moves to continue the public hearing until May 9, 2018. Mr. Eacobacci seconds.**

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

1. **ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**
2. **Correspondence**
	1. See correspondence sent via email and/or in packets.
3. **Upcoming Hearings:**

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| --- | --- | --- | --- | --- |
| **March 28, 2018** | **#3-18** | **Variance** | **Lenord Cubellis**  | **4 Union Avenue** |
| **April 11, 2018** | **#4-18** | **Variance/Special Permit** | **Linda & Tom Hannon** | **62 West Boulevard** |
| **May 9, 2018** | **#1-18** | **Use Variance** | **J. Donegan**  | **2419 & 2417 Cranberry Highway and Seth F. Tobey Road** |

1. **Decision Deadlines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **60 Days from Close of Public Hearing** | **#31-17** | **Site Plan Review** | **J. Donegan Company** | **2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road** |
| **Special Permit – March 13, 2018****Variance – March 23, 2018** | **#46-17** | **Special Permit/Variance** | **Ramos Realty Trust** | **300 Glen Charlie Road** |
| **Variance – April 20, 2018** | **#1-18** | **Variance** | **J Donegan Company** | **2419 & 2417 Cranberry Highway and 4 Seth F. Tobey Road** |
| **Comprehensive Permit – August 27, 2018** | **#2-18** | **Comprehensive Permit** | **Dakota Properties** | **3102 Cranberry Highway** |
| **Variance – July 4, 2018** | **#3-18** | **Variance** | **Lenord Cubellis** | **4 Union Avenue** |
| **Special Permit – July 10, 2918****Variance – July 20, 2018** | **#4-18** | **Variance/Special Permit** | **Linda & Tom Hannon** | **62 West Boulevard** |

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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_