

**Town of Wareham
Zoning Board of Appeals Minutes
May 11, 2022**

- I. **CALL MEETING TO ORDER:** Chairperson, Mr. Elkallassi opened the meeting at 6:36 p.m. at an in-person meeting and a hybrid meeting.
- II. **ROLL CALL: Present:** Chairperson, Mr. Elkallassi, Clerk, James Eacobacci, Richard Semple, Troy Larson, Mr. Morrison, and Veronica DeBonise

Assistant Planning Director, Aaron Shaheen was also in attendance.

- III. **PRELIMINARY BUSINESS:** None.

- IV. **CONTINUED PUBLIC HEARINGS:**

- 1. Discussion and Possible Vote: 8-22 David Sergi – Site Plan Review/Variance 8 & 10 Charge Pond Road – Map 110, Lot(s) 1035, 1076**

Attorney Jillian Morton was present along with the Engineer. She stated there was a letter from Mr. Sergi to ask for waivers, a landscape architect waiver (as this is for a landscape company) as well as for the building.

Ms. Morton provided the board with the new site plan.

Mr. Elkallassi stated they can go right to review the site plan.

The engineer, Samuel lamele of JC Engineering reviewed the details that Mr. Rowley had asked for them to do. He had stated that the site plan change was very minor, crosswalks, handicap ramps, lights at each entrance, and raising the curb entrance. As well as complete a complete stormwater management plan.

Mr. Elkallassi asked for a 30' wide curb entrance for the trucks that will most likely go over the curb.

Mr. lamele said that they have added a cape cod burm coming into the site on the curb. Mr. Elkallassi said the bylaw calls for concrete, so they would need a waiver for cape cod burm.

Ms. Morton stated the Fire Department reviewed the plans and site plan and had no comment.

Mr. lamele stated they submitted the Stormwater Management Plan was submitted to Mr. Rowley this morning.

Ms. DeBonise asked about the waiver for the landscape design, she said she would like to see the design on paper. She said the architect should review that according to the site plans.

Mr. Iamele stated that the landscape design was on one of the plan pages for tree planting.

Mr. Eacobacci reviewed the plans and said he was okay with the waivers as the applicant has come back with all the suggestions from the board.

Mr. Elkallassi stated he just wanted another review from Mr. Rowley and they could come back to the next meeting for final approval.

Mr. Semple stated he was happy to see that they were responsive to Mr. Rowley's suggestions. He asked if there was going to be any storing of chemicals. The applicants said no.

Ms. Morton asked for a vote tonight as they have a small-time frame for the project. She said this is under the agreement and waiting to close with the title.

Mr. Semple stated he didn't know why they would have to hold it up due to the number of shrubs.

Ms. Morton said they are waiting to close and being a landscape company, they had a timeline.

Mr. Elkallassi asked the board members if they would be ready for a vote tonight. Ms. DeBonise said she was in favor of the project, but she wanted to see a few more details. She said she would be okay to take a vote, but work on ironing the minor details.

Mr. Elkallassi asked for any public comments there were none.

Mr. Eacobacci made a Motion to close the public hearing portion and was seconded by Mr. Semple. The Motion passed unanimously.

Mr. Eacobacci made a Motion to issue a probational approval for this applicant, 8-22 David Sergi for two weeks, with all standard conditions and everything discussed this evening has to be approved by the next meeting. Mr. Elkallassi stated they need to run it by Mr. Rowley as well.

On the question, the traffic study that was done for the Minot School is ridiculous with traffic going back about 45 minutes in delay.

Mr. Semple seconded the Motion. Mr. Elkallassi stated he would like to see the fertilizer inside the building only. The Motion passed unanimously. (5-0-0).

2. For Discussion and Possible Vote: 11-22 Cindy Bulu – Special Permit – 4 13th Street – Map 1, Lot 341

Mr. Eacobacci read the advertisement for the record seeking a corrected violation from the previous owner for a Special Permit.

Mr. Elkallassi stated someone in the Town made an error as this was advertised for April 27, 2022. He said this could be jeopardized because it wasn't properly advertised.

Ms. Bulu stated she purchased the home on April 13 with the understanding the previous owner had a violation of a building permit. She said she was in discussion with the Building Commissioner, and he said that he went by but noticed the previous owner was doing something that wasn't on the building permit, however it wasn't a big deal. Ms. Bulu said she didn't have building plans; she has what was submitted and what she did.

Mr. Eacobacci stated that per a letter he read the previous owner took out a permit for something minor but did more work.

Ms. Bulu said she took out a permit for a window and some walls and lifted a rug; but did a whole lot to a particular room, raised the room walls, etc. Ms. Bulu said the previous owner received a violation letter and was supposed to report to the zoning board, but she didn't want to do that and just sold the house to Ms. Bulu.

Mr. Aaron Sheehan said he forgot to put it on the agenda for last week.

Ms. Bulu only had what was submitted on the original plan. Ms. Bulu said it was the room in the back of the house, she raised the ceiling, put electricity in, and redid the walls in that room (without a permit).

Mr. Elkallassi asked if the applicant had anything in writing from a structural engineer for raising the ceiling.

Ms. Bulu stated that the previous owner exceeded her permit and did the work without the correct, licensed contractors.

Mr. Elkallassi said he will talk to Mr. Riquinha in the next few days. He said the board's concern was more about the setbacks and height. He said he doesn't have jurisdiction to discuss the electrician's work.

Mr. Eacobacci said the violation notice was from April 2021 because she tore something down without a permit and built something without a permit.

Mr. Elkallassi stated he would like to speak to the building inspector. He said they don't know what they're voting on.

Mr. Elkallassi suggested they continue to the next hearing and get more information on what they are supposed to be voting on.

Mr. Semple stated that he thinks a letter stating what the violations were and how they are to be handled should come from a letter from the Building Commissioner.

Ms. DeBonise asked the applicant if her bank required any engineering to get the loan; Ms. Bulu said no. Ms. Bulu said she signed a waiver that she was aware of the violations to get the mortgage, as she was in connection with the building commissioner who said it wasn't a big deal.

Mr. Eacobacci made a Motion to continue 11-22 Cindy Bulu to May 25, 22, and was seconded by Mr. Semple. The Motion passed unanimously.

V. NEW PUBLIC HEARINGS:

3. For Discussion and Possible Vote: 12-22 Enterprise Rent A Car Co., Use Variance – 2196 Cranberry Hwy – Map 103, Lot 1000

Mr. Elkallassi opened the Public Hearing. Mr. Eacobacci read the advertisement for the record.

Attorney Tim Ciaffon of 191 Main Street was in attendance representing Rent-A-Car. Ms, Katie O'Neil from Rent A Car Enterprises was also in attendance. Scott Faria, Engineer was also present.

Attorney Ciaffon stated before his representation there was an application submitted for this address. He said he submitted a letter today about whether or not this application should be permitted for the right of use for Special Permit. He said will address it however the board wants to see it. Attorney Ciaffon stated the by-law states the right of use in the commercial zone. He said the Special Permit may not be applicable in this situation. If it doesn't fit the parameters, he suggests it be seen as a retail outlet. He said the board may see this as an allowed use; if not, the board may see it as a sub-use of a motor vehicle as a Special Permit. He said he is also prepared to argue it as a variance.

Mr. Elkallassi confirmed the lot number as 1000; Map 103.

Mr. Elkallassi stated they have been working to add this to the by-law. He believes it is a variance, as it should be an allowed use in the commercial district.

Mr. Ciaffon quoted Chapter 40A, Section 10 relating to topography, soil conditions, etc. would create a standard hardship, but a variance could be granted if not detrimental to the neighborhood. He said that the soil conditions, shape, or topography related to the land they have a natural burm in the rear of the lot consisting of shrubbery and raised land; it is

separating this lot from the adjacent lot. He said this natural burm would be to reduce noise in that area.

Mr. Eacobacci recused himself.

Mr. Ciaffon stated the hardship is real and substantial in this case. He said the market strategy of Rent A Car is reducing their staff, they want to be able to compete and be lean. He said this is adjacent to exit 2 to Route 495. He said the accessibility near the highways is accessible and without it would be a substantial hardship. He said the business fits in well to the neighborhood. He suggests a variance would be appropriate in this situation.

Mr. Eacobacci was back in the room.

Ms. DeBonise was okay with the project as presented.

Mr. Eacobacci was okay with the project but was curious how it would work with a variance.

Mr. Elkallassi stated with a variance they would have to do a site plan with a variance.

Mr. Morrison was okay with either a Variance or Special Permit.

Mr. Semple asked about the business hours, and he was okay with a variance.

Ms. O'Neil stated the truck rental would be 7am-5pm; car rental 7:30am to 6:30pm. He said they closed in the industrial park about two years ago.

Ms. DeBonise asked about the benefit from the variance and/or special permit per Mr. Eacobacci's concern about car service.

Mr. Elkallassi stated it wasn't in their bylaws.

Mr. Eacobacci stated 'service' would mean working on cars. Mr. Ciaffon stated he believed his client was looking for a variance.

Mr. Elkallassi asked for any public comment.

Mr. Eacobacci made a Motion to close the public hearing for the variance portion, per MGL 40a, Section 10; not the site plan and was seconded by Mr. Morrison. The Motion passed unanimously.

Mr. Elkallassi said now they would move to the matter of a site plan. HE asked if they did a 53G account. (Attorney Ciaffon stated they did not).

Mr. Elkallassi said the concrete is hacked there and the drainage at the location probably needs to be fixed; needs pavement, curbing, landscaping, garage doors; floor plan etc. He suggested if washing cars inside they should talk to a mechanical engineering.

Applicant said they use tight tanks.

Mr. Elkallassi stated they need to come back with the site plan review. Catch basins, landscaping etc.

Engineer, Scott Faria moved forward with his presentation. He said the drainage was designed and installed properly. He said as far as they know there are no flooding issues.

Mr. Elkallassi asked what they were going to do with the landscaping as it's a mess out there. Mr. Eacobacci said a fluffing is definitely needed.

Mr. Elkallassi said they met them halfway with the variance and hope they compromise to really make the property look good and cleaned up.

Mr. Elkallassi opened it up the board.

Board members agreed with Mr. Elkallassi's comments and concerns.

Mr. Eacobacci asked if Mr. Rowley would need to review the site plan.

Mr. Elkallassi stated that much of the parking lot needs to be addressed, not all paved but certainly needs to be done.

Ms. DeBonise asked them to give a specific plan on what they will do with the property and to bring that back to them for review.

Mr. Elkallassi made a recommendation that they come back with a site-specific plan on how they are going to clean up the property. He said he wants the problems addressed and identified what they're going to do to make it better.

Mr. Eacobacci made a Motion to continue this hearing to May 25, 2022 and was seconded by Mr. Morrison. The Motion passed unanimously.

VI. ANY OTHER BUSINESS/DISCUSSIONS:

Mr. Elkallassi stated Mr. Morrison and Mr. Eacobacci was up for renewal. Town Counsel, he said says the advertisement needs to take place first for the opening seats. They will then vote to keep them on the board, and it has to be on the agenda to talk about. They also stated an associate member is still needed on the board.

Mr. Eacobacci made a Motion to adjourn and was seconded by Mr. Semple. The motion passed unanimously.

Respectively,

Patricia A. Pacella
Recording Secretary

Date signed: 7-13-2022

Attest: James D. Eacobacci
James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
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