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

**Date of Meeting: February 13, 2019**

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

Jan Kendrick

Jake Morrison

Veronica Debonise – 6:40 PM

Also present: Kenneth Buckland, Town Planner

Charles Rowley, Town Review Engineer

1. **PRELIMINARY BUSINESS**
2. **Approve meeting minutes: January 23, 2018**

**MOTION: Mr. Eacobacci moves to approve the minutes. Ms. Kendrick seconds.**

**VOTE: (4-0-0)**

1. **PUBLIC HEARINGS**
2. **4-19 – LDE Holdings – 6 Thacher Lane**

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.

 Jesse Pitts, LDE Holdings

Mr. Pitts is the CEO of LDE Holdings, they are requesting a Special Permit to have a marijuana cultivation, manufacturing, and retail facility at 6 Thacher Lane. There is a proposed addition at the rear of the building for cultivation on the site. There will also be a small parking lot added for the employees. The driveway into the building is at the end of the cul-de-sac. That is the existing entrance to the site. There is a fence surrounding the building on three sides of the building except for the front entrance of the building. Employee parking will be through a separate gated area. There are 17 parking spaces proposed on the site, including handicap parking. The site has Town water and Town sewer. There will be additional ventilation and air handling units outside of the building, the Planning Board had requested those items be screened in their review. The site does have stormwater management. The proposed addition for the building is proposed to be steel to keep in kind with the existing building as well as the other buildings in the industrial park. The Police and Fire Departments have reviewed this site. There is a purchase and sales agreement for the site, the sale will take place on February 20, 2019.

Mr. Elkallassi states he had gone through the comments from the Fire Department, the Planning Board, as well as Mr. Rowley’s comments. Mr. Elkallassi states he is concerned where the additional stormwater will go once the addition is built. Mr. Madden states that it is a difficult design, but the stormwater should be able to be managed with the proposed system.

This site does cultivation, manufacturing to create oils that will be sold out to a third party for processing.

Mr. Rowley questions whether a Variance will required from the requirements of the planting islands for the parking spaces. It appears there is ample parking spaces are provided and the space is available to install the planting islands. Mr. Rowley feels the applicant will have to provide information in regards to the requirements of Chapter 40A as to why the Variance should be allowed.

Mr. Rowley has concerns with the test pits done on the site in regards to the water table and is concerned the drainage on the site may not be adequate.

Mr. Rowley also states that the siding on buildings in the Industrial zone are required to be other material than metal, and will have to request a Variance on those requirements to construct the addition in steel.

Mr. Rowley is concerned with site lighting as well as some type of generator on the site. Mr. Rowley also doesn’t have any specs for the proposed fencing on the site.

Mr. Madden states he believes they could meet the drainage standards to a degree that is manageable and reasonable.

Mr. Pitt states he feels the building as it is proposed will blend well with the surroundings. Mr. Elkallassi states that would be a request for a Variance. Mr. Madden states the existing building does not meet the architectural requirements. Mr. Elkallassi states that this is a new use and he believes the building needs to comply. Mr. Buckland recommends also determining what is viewed from the public way as that is the requirement of the by-law. Mr. Elkallassi states that color plans would help a lot for the Board to see what the façade would look like.

Mr. Rowley is concerned with the drainage and the water table.

Mr. Morrison states he is in favor of this site, being off the main road and back out of site.

**MOTION: Mr. Eacobacci moves to continue the hearing until February 27, 2019. Mr. Morrison seconds.**

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

1. **CONTINUED PUBLIC HEARINGS**
2. **34-18 – Steven & Cheryl Yurasha – 9 Jordan Road**

Present before the Board: Richard Serkey, attorney

Mr. Serkey requests a continuance until the next hearing. Mr. Elkallassi asks when the deadline for the public hearing is, Mr. Serkey states he believes it is March 16th.

**MOTION: Mr. Eacobacci moves to continue the public hearing until February 27, 2019. Mr. Morrison seconds.**

**VOTE: (4-0-0)**

1. **1-19 – Jessica Nassif – 34 Hammond Street**

No one is present at this time. The hearing is tabled.

**MOTION: Mr. Eacobacci moves to continue the public hearing until February 27, 2019. Mr. Morrison seconds.**

**VOTE: (4-0-0)**

1. **REPORT FROM DIRECTOR OF PLANNING**
2. **ANY OTHER BUSINESS/DISCUSSIONS**

Present before the Board: Henry Dejesus

Mr. Dejesus is before the Board to request to expand parking at his car dealership. This was an allowed use by Special Permit in 1997. Mr. Rowley is not sure if expansion of an existing use requires conformance to current regulations. The existing Special Permit had allowed 9 cars to be displayed on the site and Mr. Dejesus is requesting to have 30 cars on display. Mr. Elkallassi states this will be a major modification and recommends having an engineer look at the site and also take into account the Cranberry Highway taking. The Board agrees this will require a major modification.

1. **Correspondence**

**Upcoming Hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **February 27, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **February 27, 2019** | **#3-19** | **Variance** | **Joseph & Anne Gomes** | **22-24 Shangri-La Boulevard** |
| **February 27, 2019** | **6-19** | **Special Permit** | **Denise Kissell** | **91 Great Neck Road** |

**Decision Deadlines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **February 19, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **Special Permit - April 23, 2019; Variance - May 3, 2019** | **#2-19** | **Special Permit/Variance** | **Amy Rossi & Richard Runci** | **35 West Central Avenue** |

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

**VI. ADJOURNMENT**

**MOTION: Mr. Eacobacci moves to adjourn. Mr. Morrison seconds.**

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

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

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

 James Eacobacci, Clerk

 WAREHAM ZONING BOARD OF APPEALS

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