**WAREHAM ZONING BOARD OF APPEALS AGENDA**

**Wednesday, March 27, 2019**

**Time: 6:30 P.M.**

**Place: Room 320**

**Multi-Service Center**

**48 Marion Road**

**Wareham, MA 02571**

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**

Present before the Board: Nazih Elkallassi, Chariman

 Jim Eacobacci, Vice Chairman

Jake Morrison

Jan Kendrick

Veronica Debonise

Also present: Kenneth Buckland, Town Planner

1. **PRELIMINARY BUSINESS**
2. **Approve meeting minutes: March 13, 2019**

**MOTION: Mr. Eacobacci moves to approve the minutes as presented. Mr. Morrison seconds.**

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

1. **1-18 – J. Donegan Wareham Marketplace – 2419 & 2427 Cranberry Highway & Seth F. Tobey Road**

Present before the Board: Zach Richards, Bohler Engineering

MR. Richards states at the last hearing there were some comments in regards to the site landscaping and parking lot striping for the trash and loading area. The applicant was requested to add landscaping, which was complied with. The applicant has added additional plantings on the street level.

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

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

**MOTION: Mr. Eacobacci moves to accept the modification as presented and amended per the plan by Bohler Engineering for J. Donegan Company dated 3-6-19 with standard conditions. Ms. Debonise seconds.**

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

1. **PUBLIC HEARINGS**
2. **8-19 – Lorea Land Trust- 11 Murphy Street**

Mr. Elkallassi must recuse himself from this matter. Mr. Eacobacci will sit as chair.

Present before the Board: Andrea McNight, Law offices of Andrea McNight

 Brian Grady, G.A.F. Engineering, Inc.

Consideration for special permit from the requirements of article 6, table 6:13, article 14, section 14-60 of the Wareham Zoning Bylaws: Gloria Lantruss, J&F Engineering Inc. seeking to construct single-family dwelling on site that already has primary residence. This zoning district does allow 2-family residential. Discussion ensues.

Ms. Debonise asks if there are any issues with setbacks? Mr. Grady states they conform to the setback requirements.

Mr. Eacobacci reads the notice from Building Commissioner.

Ms. Debonise asks if the utilities are town utilities.

Present before the Board: Tony Pertrucci

Mr. Petrucci asks if there will be a shared driveway.

**MOTION: Ms. Kendrick moves to close the public hearing. Ms. Debonise seconds.**

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

**MOTION: Ms. Kendrick moves to approve the Special Permit. Mr. Morrison seconds.**

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

1. **9-19 – Pharmacannis – 59 Main Street**

Present before the Board: Shelly Stormo, Pharmacannis, MA d/b/a Verilife

 Bill Madden, G.A.F. Engineering, Inc.

 Christian Staub, LAAZ Parking

Ms. Stormo states they are proposing a temporary parking lot at 59 Main Street for Veralife (Marijuana Dispensary). This would include a proposed 24 month lease with the owner.

Mr. Eacobacci asks if this was formerly the lot that had the crane and all the boat blocks but recently torn all the buildings down. Ms. Stormo confirms that is the site. This site will be leased while the owner explores other development options.

The shuttle busses will no longer be needed. The signs at the end of the street will be able to be removed and will provide a much more smooth experience for customers in and out of the store. The on-site security and police detail will remain in plase.

There is a copy of the draft lease in the file.

Ms. Debonise asks how traffic will be regulated and if there will be police detail at the Main Street Intersection.

Mr. Madden states he doesn’t believe they’ll require a detail officer at that intersection. They’ll have their security at the crosswalk to direct patrons from the parking facility onto the crosswalk, across the street and onto the sidewalk on the same side of the street that Verilife is on. Mr. Madden shows where police detail should be.

Ms. Debonise asks how many cars have been coming out of the parking lots that are currently active for the site.

Ms. Stormo states a lot of cars currently stop in front of the store and security guards have to tell them to go back to 8 Elm Street. This would allow for a better flow.

Ms. Debonise asks if there is a count of the actual cars that are going to the lots when they eventually do get onto the shuttle.

Ms. Stormo states currently at Tremont Nail they are utilizing 75 spaces in the parking lot. Generally 60-70 people an hour; less than 70 cars an hour,

Ms. Debonise asks how many spaces this proposed parking lot will have. Mr. Straub states the site is proposed to have 60 parking spaces.

Ms. Debonise asks if the average time someone spends in the store is around 10-15 minutes.Ms. Stormo agrees, 10-15 minutes at the most.

Mr. Straub states that is the turnaround. No more than 15 minutes tops. They’re not spending any additional time. It moves very efficiently.

Mr. Morrison states when the Special Permit for Verilife was approved only medical patients were meant to use the parking lot on-site, which seems to not be the current situation. Mr. Morrison is concerned of the effects of having a parking lot across the street.

Mr. Elkallassi states the permit was not approved in regards to the medical use.

Ms. Kendrick states the operation has had no noticeable impact on her daily life. Ms. Kendrick believes this would reduce traffic congestion and feels this would be an improvement for the business and the traffic.

Mr. Elkallassi agrees, but reiterates the need for safety and suggests a full-time police officer detail at all times the store is open.

Ms. Kendrick asks if there is any way to circulate to the clientele that they can reroute out to Church Avenue. Mr. Madden states that one of the entrances is almost across from Cedar Street. You can exit the parking lot, go right up Cedar Street, take a right on High Street and come out at the intersection of Route 6.Mr. Elkallassi states he would rather not see a sign directing the traffic through a residential neighborhood or the hospital.Ms. Kendrick suggests it might be helpful to reduce traffic.

Mr. Elkallassi would like to see the entrances to be paved and asks where the catch basins are connected. Mr. Madden states the catch basin in front of the driveway is connected to the municipal system in Main Street.

Mr. Elkallassi is concerned with the stormwater on the site. Mr. Madden states the catch basins are intended to receive the water from Main Street. All site drainage is to sheet flow across the parking lot and be intercepted by the infiltration trench that’s shown at the east side of the parking lot. It runs continuous.

Mr. Elkallassi asks if the applicant has been before Conservation at this time. Mr. Madden states they have not.

Mr. Elkallassi asks if that will be adequate drainage for the site. Mr. Madden states it will be adequate

Mr. Elkallassi states that he would like both entrances to the parking lot to be paved to reduce gravel and mud on the road.

Mr. Elkallassi states they should also consider having armed security as a preventative measure.

Mr. Elkallassi opens the hearing to public comment.

Present before the Board: Ron Cronin

Mr. Cronin is pleased about clean up further development in lot, but concerned about security in event of heist. Also concerned that the revenue from taxes will not offset the costs of police, fire, medical emergencies. Public has not been provided any plans. Concerns about traffic and traffic safety. Concerns about sewer drain; boat traffic; altercations and property damage.

Present before the Board: Dennis Conrey

Mr. Conrey states this is predominantly a residential area. Zoning at Verilife is institutional. Purpose of the board is to consider whether this is an appropriate use of the property. This parking facility is not an allowed use in Wareham Village One. This facility has outgrown its space. It’s not an improvement for the Town of Wareham. Verilife is a commercial business seeking to expand into this parking lot. Two years is a long time for temporary use. Notice of this plan is obscure.

The Board discusses that there will be more adult use marijuana businesses opening in the course of the next two years. The Board asks if business has been decreasing, increasing or stable. Ms. Stormo states the business has been steady, with long lines only on Saturday mornings.

Answer: Michelle – I’d say it’s been pretty stable. We’ve seen a decrease on the weekdays. That’s how we hope it is in the long run.

Mr. Elkallassi states that the traffic flow to this site will change and they could re-visit this situation in a year.

Ms. Debonise is concerned that there is not a traffic count for the existing use, and feels it would be difficult to make a decision without that information. Ms. Stormo states they could provide that information.

Present before the Board: Donald Vlozo

Mr. Vlozo states there are a lot of people at the meeting to provide testimony. Mr. Vlozo states he doesn’t agree that the Board has already made a decision. Mr. Elkallassi states the Board has not made a decision, he has only stated his opinion. Mr. Vlozo asks what power does the Board have to ensure that there will be police officers. Mr. Elkallassi states that they can condition the project that there be a police detail which is enforced by the Building Commissioner. Mr. Eacobacci clarifies that the State does not require Verilife to provide a police detail.

Mr. Vlozo asks what the authority is for temporary zoning or temporary relief. Mr. Elkallassi states that has to be relief granted from the Board. Mr. Vlozo asks that the Board continue the public hearing in order for the members of the public to review the plans that have been submitted.

Present before the Board: Kim Walsh

Ms. Walsh is concerned about the lot being paved and striped. Mr. Madden states the lot will be striped and will be repainted as needed. Ms. Walsh asks if there will be security at night. Ms. Stormo states there is no security on the parking lot at night. Ms. Walsh feels this is an issue due to the homeless that are in the parking lot at night. Mr. Elkallassi states that is an unrelated issue.

Ms. Kendrick states she feels a gate is more unsightly whereas this is a vacant piece of land. If your concern is not giving people a place to camp out and hide, then putting a fence around and enclosing it would not be the way she would suggest going about it.

Mr. Elkallassi states chains at the entrance may be a good idea.

Ms. Walsh recommends having a gate with tickets.

Mr. Straub states that attendants will be required on site regardless, which would make the tickets unneeded. Mr. Straub states that if someone is in the parking lot at night that they are trespassing and could be towed.

Mr. Elkallassi states he feels it would be a good idea to contact a tow company to authorize them to tow cars after a certain hour.

Ms. Walsh is also concerned with the traffic.

Ms. Debonise asks what the issues with the parking at Tremont Nail are. Mr. Buckland states that there will be construction on that site shortly, which will not enable Verilife to continue to utilize the parking lot.

Present before the Board: Laura Fererra

Ms. Ferrera asks how many people are there in the van each trip currently. Mr. Straub states it varies on the time and the day how many people are in the van.

Ms. Ferrera feels that will amount to a very high traffic count on Main Street; cars could bottleneck the entrance to the emergency room next to Veralife. Bottleneck of cars could interfere with ambulances going in and out. Ms. Ferrera asks the Board to consider this as well as two police officers present.

Mr. Elkallassi states this is something they will take into consideration. Mr. Elkallassi states he believes this is the best scenario right now, but he does not speak for the Board.

Present before the Board: Bill Pelequin

Mr. Pelequin asks how many people can actually go into the building at one time. Ms. Stormo states the certificate of occupancy is maximum 36.

Mr. Pelequin states they deal with a higher amount of traffic based on the flow of traffic. The traffic bottlenecks up to Main Street. Mr. Pelequin asks many people are in line at one given time on a Saturday. Ms. Stormo states there may be 30 people outside on a given day before we open. 60 people can fit from the sidewalk to the door.

Mr. Eacobacci states that when this opened in MA they were aware there could be an influx of 10,000 cars and Verilife has mitigated the potential concerns very well. Mr. Eacobacci states this is temporary relief.

Discussion ensues about whether or not Verilife will be moving locations. Ms. Stormo states it is something that has been taken into consideration, but would not like to lose their medical license.

Ms. Kendrick asks what the effect of denying this application is. Mr. Elkallassi states that people will park wherever they can find spaces on a public street and public parking in other places in town. Mr. Morrison states he misunderstood what was previously approved in regards to the parking arrangement for Verilife.

Present before the Board: Stan Lemers

Mr. Lemers states there is a condominium and Zeccho Marina on this road and from April to October the parking lots are entirely full and you cannot find a parking spot and that traffic will back up onto Main Street.

Mr. Elkallassi states potentially having a voucher system to allow people into Verilife to reduce excess parking in Town.

Present before the Board: Sheri Paterra

Ms. Paterra states she is concerned with the pedestrians walking across the street.

Present before the Board: James Harkins

Mr. Harkins asks if Verilife has another option for parking other than what is being presented. Ms. Stormo states there are no other options at this point. Mr. Harkins is concerned with what will happen with the parking at the end of this two year lease. Mr. Elkallassi states he hopes that Verilife finds another site or parking area. Mr. Harkins asks if Verilife will be purchasing the property. Ms. Stormo states they do not have intentions of purchasing the property.

Mr. Cardin states he understands the need for this project, but does request that there be two armed police officers on detail during business hours, that the parking lot have chains across the entrances to prevents access outside of business hours, and that a traffic study be performed and reviewed in a year.

Ms. Walsh re-states she thinks they should have a gate and a ticket.

Mr. Elkallassi states next time he recommends that the entrances be paved to the curb, that the catch basin be paved around by 10’ and protected with silt fence, a port-a-john be on the property and not in the parking lot, two police officers on site during operations, armed security on the site, a simple gate at the entrances of the parking lot with a tow sign, and a ticket or voucher for parking. Mr. Elkallassi states these are only his recommendations.

Ms. Debonise states she is still opposed to this project based on the abutters testimony.

Mr. Eacobacci states that if the allowed zoning areas for adult use marijuana were changed it would open more opportunities for Verilife to relocate.

Ms. Kendrick states she does not prefer to see fencing or gating on the site.

Mr. Eacobacci states he believes that Verilife has behaved responsibly and with the publics’ interest in mind.

**MOTION: Ms. Kendrick moves to continue the public hearing until April 10, 2019. Mr. Eacobacci seconds.**

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

Mr. Buckland recommends discussing the police detail with Chief Walcek and discuss the port-a-john with the Health Department.

1. **CONTINUED PUBLIC HEARINGS**
2. **STAFF REPORT**
3. **ANY OTHER BUSINESS/DISCUSSIONS**
4. **Correspondence**

**Upcoming Hearings:**

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| **April 24, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **April 24, 2019** | **#1-19** | **Special Permit/Variance** | **Jessica Nassif** | **34 Hammond Street** |

**Decision Deadlines**

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| --- | --- | --- | --- | --- |
| **May 8, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **May 22, 2019** | **#1-19** | **Special Permit/Variance** | **Jessica Nassif** | **34 Hammond Street** |
| **June 25, 2019** | **#8-19** | **Special Permit** | **Lorea Land Trust** | **11 Murphy Street** |
| **June 25, 2019** | **#9-19** | **Special Permit/Site Plan Review** | **Pharmacannis** | **59 Main Street** |

1. **STAFF REPORT**
2. **Board Roles and Responsibilities**
3. **NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.**
4. **ADJOURNMENT**

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

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