

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: April 25, 2018

I. CALL MEETING TO ORDER

The meeting was called to order at 6:30 P.M.

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
Jim Eacobacci, Clerk
Karl Baptiste, Sr.
Jan Kendrick
Wilma Engerman

Also present: Ken Buckland, Town Planner
Charles Rowley, Town Review Engineer
David Riquinha, Building Commissioner
Paul Haverty, Attorney

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: February 28, 2018 and April 11, 2018

MOTION: Mr. Eacobacci moves to approve the minutes of February 28, 2018. Mr. Baptiste seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to approve the minutes of April 11, 2018. Mr. Baptiste seconds.

VOTE: (5-0-0)

IV. PUBLIC HEARINGS

A. #10-18 -- Timothy & Christine Smith -- 83 Pinehurst Drive

Present before the Board: Rick Charon, Engineer
Timothy Smith

The applicant is seeking to enlarge an existing single-family dwelling. Mr. Charon states the proposal is to add an 8' addition on the front of the house and add a full second story above it to make the home a year-round addition. The side line setback is being increased. The front setback will be decreased. At the time of the application the building lot coverage was over the 25% allowed. The plan has since been revised and the lot coverage is proposed to be 24.5%. Mr. Riquinha states he cannot argue with the calculations on the revised plans. Mr. Elkallassi states he does not feel this project would be a detriment to the neighborhood.

MOTION: Mr. Eacobacci moves to close the public hearing. Mr. Baptiste seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves that the application is a Special Permit. Mr. Baptiste seconds.

VOTE: (4-1-0)

MOTION: Mr. Eacobacci moves to grant the Special Permit with standard conditions with the findings that the expansion will not be detrimental to the neighborhood and per the plans submitted with the application by Charon Associates dated February 28, 2018 revised March 15, 2018. Mr. Baptiste seconds.

VOTE: (4-1-0)

B. #11-18 – Debra Becky – 13 Onset Bay Lane

Present before the Board: Jim Peterson, Alpha Survey Group
Debra Becky
Matthew Finigan

The applicant is requesting to raze a portion of a pre-existing non-conforming dwelling and replace it with a larger, more non-conforming addition. The addition will be foundation on a footing and will be a two-story building. The current structure is currently on piles. The addition is requested to accommodate for an expanding family. Mr. Peterson states he has a letter of support from one of the abutters. Mr. Eacobacci reads letters of support into the record from abutters. Ms. Engerman states the lot is only 1,127 square feet and the first floor is 400 square feet. Ms. Engerman states they want to add on to this and according to the assessor's office the house is over the property line on the right hand side.

Mr. Peterson states that for the record the property is not over the property line, the property was subdivided and the house is on the property line.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves that the application is a Special Permit because the project is not substantially more detrimental to the neighborhood. Mr. Baptiste seconds.

VOTE: (4-1-0)

MOTION: Mr. Eacobacci moves to grant the Special Permit with standard conditions with the findings that the expansion will not be detrimental to the neighborhood and per the plans submitted with the application by Alpha Survey Group dated February 16, 2018. Mr. Baptiste seconds.

VOTE: (4-1-0)

V. CONTINUED PUBLIC HEARINGS

A. #3-18 –Lenord Cubellis – 4 Union Avenue

Present before the Board: Lenord Cubellis

Jamie Souza

The applicant is requesting to turn three commercial units into three residential units. At the last public hearing the Zoning Board had requested that the units be minimized from three units to two units in order to meet the minimum size requirements of 650 square feet. Mr. Cubellis states that he would be willing to reduce the number of units to two units. Mr. Elkallassi asks what the size of the two units would be. Mr. Cubellis states they have not determined the exact size of the units at this time, but that there would be 450 square feet to divide between the two previously proposed units. Each unit should be around 850 square feet total.

Present before the Board: Jovina Dean

Ms. Dean states she is in favor of them fixing the commercial space to become two apartments.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Variance for two additional units to each be over 650 square feet of living space not including closets and bathrooms. Ms. Kendrick seconds.

VOTE: (5-0-0)

B. #7-18 – Lenord Cubellis – 197 Onset Avenue

Present before the Board: Lenord Cubellis
Jamie Souza

The applicant is requesting to expand the existing office space up to the property line. This application was continued from the previous public hearing to address temporary construction easement concerns as well as permanent easement concerns to allow for access to care for the property. Mr. Cubellis states he had a conversation with Mr. David Warr, the trustee of the abutting property, and that he would be happy to provide Mr. Cubellis with a temporary construction easement.

Present before the Board: Peter Teitelbaums, Selectmen

Mr. Teitelbaum states that in regards to any discussion with Mr. Warr, the only issue Mr. Teitelbaum could see is that the Onset Bay Grove Association is currently a defunct corporation. Mr. Teitelbaum is not sure if Mr. Warr can act on behalf of the Onset Bay Grove Association to grant the temporary construction easement if the Association he represents no longer exists.

Present before the Board: Jovina Dean

Ms. Dean states she sent a letter and some picture for the initial public hearing for this property regarding the view easement. Ms. Dean states that she hadn't seen the new proposal and would like to see it. After Ms. Dean reviews the proposed plans she states she is in favor of the expansion.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant the Variance as presented with standard conditions. Ms. Kendrick seconds.

VOTE: No vote is made at this time. The vote will not be made until May 9, 2018.

Mr. Rowley states that regarding the lot line, if nothing is imposed, it is potential that the care or building may encroach on the adjacent property. Mr. Rowley states if easements are in place it would protect the abutting property from encroaching.

Mr. Elkallassi asks how long they have to make the decision. Mr. Haverty states that the Board has 14 days to file the decision with the Town Clerk. Mr. Haverty states that the vote has to be done at a public hearing.

Mr. Eacobacci asks if Mr. Cubellis would grant an extension to file the decision by May 10, 2018 so that Mr. Elkallassi may have time to review the potential easement rights before he votes. Mr. Cubellis states he is unsure why the Board is requiring more time.

Mr. Cubellis grants an extension to vote on May 9, 2018.

MOTION: Mr. Eacobacci moves to make a final vote for this project on May 9, 2018. Ms. Engerman seconds.

VOTE: (5-0-0)

C. #2-18 – Comprehensive Permit – Dakota Properties – 3102 Cranberry Highway

Mr. Elkallassi states he would like to keep the public hearing civilized and professional.

Present before the Board: Peter Freeman, Freeman Law Group
Don Rinaldi, Engineer
Jim O'Brien, Dakota Properties
Colleen Medeiros

Mr. Freeman states they would like to have the traffic presentation from Ms. Medeiros and review Mr. Rowley's peer review of the traffic study as well as to go over the responses to Mr. Rowley's peer review of the project. Mr. Freeman states they would also like to finalize the review of the sewer. Mr. Freeman did agree to the study for the Onset Water Department. Mr. Freeman states over the next few days they hope to agree to the scope of the Sewer Department review.

Mr. Elkallassi asks if there is anyone present from the Sewer or Water Department. Mr. Elkallassi states he would like to have the support of the Water Department, Sewer Department, and the Selectmen before getting into details regarding the project due to the potential of information that could potentially discredit the project.

Present before the Board: Benjamin Hughes, Chairman of the Onset Water Board

Mr. Hughes states he has a letter from Sean Osbourne, OSD, LLC the review engineer for the Onset Water Department. The review letter states that the following information is missing and must be provided for the review: the average day demand for the development, maximum daily demand for the development, fire flow demand, the location of flow and gauge hydrant used for the November 22, 2017 fire flow test. The OSD group has stated they could estimate daily demands if the applicant is unable to do so. The response to the stormwater request for information appears to be complete. Mr. Elkallassi asks

if the study is done and it is completed in favor of the Woodland Cove project, what the Onset Water District will do. Mr. Hughes states as long as the best interest of the town is protected then they will comply with the approval. Mr. Hughes states that with all due respect it is his belief and the Onset Water Districts stance that the Zoning Board of Appeals has no authority to act as the granting authority for the Onset Water District as they have no authority over their rules, regulations, and fees. Mr. Hughes states it is the Onset Water Districts responsibility to protect the water supply and watershed area and feels it is the Zoning Board's responsibility as well. Mr. Hughes states that in reviewing one of the maps it appears that one of their trails that lead to one of their wells may overlap the site for the development and some engineering work may need to be done to delineate a boundary line.

Mr. Hughes states there are many other issues as well, such the fact that if the projects underground injection control wells qualify under BMP's (best management practices) has not yet been maintained, which are in place to reduce underground contamination from moving TSS (total suspended solids). Mr. Hughes asks if a final certification pursuant to TARP (Technology Acceptance Reciprocity Partnership) has been presented at this time regarding stormwater.

Mr. Elkallassi states that he does not have control over the rules governing the permitting of 40B's and asks Mr. Haverty, in regards to the Zoning Board of Appeals being the permit granting authority if they have the right to act on behalf of the Onset Water Department. Mr. Haverty states that in his interpretation the Zoning Board of Appeals does have the authority to act as the permit granting authority. Mr. Haverty reads into the record the definition of a local board from 760 CMR 56.02. Mr. Haverty states that the Zoning Board of Appeals should work very closely with the sewer and water districts to ensure that all of their concerns are being addressed. Mr. Haverty states that he doesn't feel the fact that the Zoning Board of Appeals is the permit granting authority does not negate the right of the Onset Water District and Sewer Districts' concerns to be met.

Mr. Elkallassi states that the Zoning Board of Appeals will ensure that the requirements of the Onset Water District are met, as well as the fees.

Mr. Hughes states that the Onset Fire District operates independently from the town and does not issue the type of permit or approval referenced in Chapter 40B Section 21 and leads them to conclude that the Onset Fire District should not be considered a local board within the definition of Chapter 40B.

Mr. Eacobacci states that the reason the chair had asked the Water District to come before the Board was to determine if there is sufficient capacity for the project, but the required information has not been submitted for the Onset Water District to determine if there is sufficient capacity.

Mr. Hughes states they are also against the request of the fee for the Water District review be waived. Mr. Elkallassi states he will not approve the request to waive the fee and Mr. Freeman had presented the check for the fee this evening.

Mr. Freeman states he has not had time to respond to the letter from OSD regarding the request for additional information but will provide that information. Mr. Freeman and Mr. Hughes agree to continue discussions outside of the public hearing to address the Water Districts concerns.

Mr. Buckland reads a letter from Guy Campinha into the record. Mr. Campinha had proposed a scope of work which included an analysis of the system and had requested addition information on mitigation of grease and rags potentially entering into the system. There was a question by the proponent as to whether or not the scope is appropriate and if the system that was requested was beyond the project scope. Mr. Buckland recommends that the engineers sit down together to discuss what is required to complete the review.

Mr. Elkallassi states that in future reference it would be beneficial to have a representative from the sewer department present for discussion.

Mr. Haverty states he would like to clarify the process, that typically under chapter 40B the applicant is not required to fund new studies for the town. The peer review process requires the applicant to put money into an escrow account for review of studies that the applicant creates, but appears that for efficiency purposes the applicant has agreed that they would allow the consultants for the Water District and the Sewer Department to actually create these studies in the first instance.

Present before the Board: Peter Teitelbaum, Selectman

Mr. Teitelbaum states that he will reach out to the Sewer Department to press the importance of their presence at this meeting. Mr. Teitelbaum states the Selectmen are still waiting for further information to be provided so that the studies may be completed. The Selectmen are not in a position to make any comments at this time. Mr. Teitelbaum states he is asking Chairman, Alan Slavin if Mr. Teitelbaum may be the representative for the Selectmen at these hearings.

Mr. Elkallassi wants to know if the Selectmen would be willing to go to housing court if the application is denied without grounds because that would be extremely expensive on the town. Mr. Teitelbaum states he understands that. He is waiting for the information from the Water District and the Sewer Department to be presented as well as what terms the Zoning Board and the applicant agree to. Mr. Teitelbaum states he would get the Selectmen to vote on the outcome of these agreements.

Present before the Board: William Lockwood, Lockwood Architects

Mr. Lockwood states he is before the Board as Chairman of the Wareham Housing Authority. The Wareham Housing Authority by definition stands in favor of affordable housing. Mr. Lockwood states the number of units that the housing Authority currently has held for low-income families and that 20-30% of those units are of disabled people. The need for affordable housing is immediate and real. There is currently a backlog of 150 applications. The waiting time is 2-3 years for veterans, 5-10 years for elderly, 10+ years for handicapped and non-elderly and 14 years for Section 8. Mr. Lockwood states that perhaps the most misunderstood piece is what is affordable. 40B was created to help working residents remain in their communities, provides that 25% of the units be provided at 80% of the fair market value and is not subsidy housing. Wareham is included in the Boston market rental area. The HUD rates are \$1,421 for a one bedroom per month and \$1,740.00 for a two bedroom per month. At the 80% rate that would be \$1,137 for a one bedroom and \$1,392 for a two bedroom. In Wareham these are not affordable rates, these are market rates. The 40B housing allows the builder to provide affordable rate housing in town and the town is often incentivized with compensation. Mr. Lockwood states this is a leverage able process and there is no point in fighting this and bankrupting the town.

Mr. Haverty states that this information would be helpful to establish the need for local preference with this project.

Present before the Board: Lucille Dodson, Indian Mound Beach

Ms. Dodson states she is against the project. One reason is the lack of space in the school system. Another reason is the financial stress on the town. Ms. Dodson states they are a struggling community. Ms. Dodson states she cannot afford to pay higher taxes to support the development. Ms. Dodson states she has Onset Water and is concerned how it will impact this. Ms. Dodson also states she read an article of neighbors near the sewer department are getting headaches from the odor because the sewer facility is near capacity. Ms. Dodson asks how many people on the housing list presented from Mr. Lockwood, how many live in town? Ms. Dodson is requesting that the units be reduced from 174 units to something the

town can afford and not to give the applicants any leeway. Ms. Dodson is also concerned that the development doesn't have the adequate frontage. Ms. Dodson is concerned with the traffic impacts as well. Ms. Dodson states there are already too many accidents on that stretch of highway. Mr. Elkallassi asks what number of units Ms. Dodson would propose as feasible, out of curiosity. Ms. Dodson says 50 units.

Present before the Board: Debbie Edo, Monach Road

Ms. Edo states she heard Mr. Lockwood mention \$400.00 for rent and would like some clarification regarding what the proposed affordable rent rate would be. Mr. Elkallassi states he believes the state picks up the difference in the rental income. Ms. Kendrick states that the figure of \$400.00 was based on subsidized housing and is not the same as affordable housing that would be based on a different rate. Mr. Haverty states the prices are set at 70% of area median income. Mr. Haverty states someone could also use a Section 8 voucher in these units. Mr. Haverty states that no one pays the difference in the rate of affordable housing. Ms. Edo states she would also like clarification on the mean area income and asks if the town is included in the Boston area. Mr. Elkallassi states they are considered part of the Boston metro area. Ms. Edo states in regards to the traffic report, she is concerned with the additional exits and entrance. Ms. Edo states the dates they used for the traffic study were from January 4 and May 2 with a potential 24% increase to compensate for a traffic differential. Ms. Edo states those dates don't compare with the traffic impacts from the summer traffic. Ms. Edo states even in the reports that are four years old it is stated that it is an uncommonly high area for accidents on a state level. Ms. Edo also states that she is concerned with their resolution to the traffic problem which is relying on the Cranberry Highway construction, which Ms. Edo feels that is unreasonable to rely on a third parties actions to resolve the problems.

Present before the Board: Joseph Mulcern, Red Brook Road

Mr. Mulcern asks if this property is accessed from Red Brook Road or Route 28. Mr. Elkallassi states the entrance is on Red Brook Road and Route 28. Mr. Mulcern is concerned with the height of the buildings, and why do the buildings need to be four stories. Mr. Elkallassi states they cannot impose the town by-laws on 40B projects unfortunately.

Present before the Board: Colleen Medeiros, Traffic Consultant from McManh Associated for Woodland Cove

Ms. Medeiros states they have prepared the traffic study as well as responses to Mr. Rowley's review letter. Ms. Medeiros states that this study was completed in compliance with Mass DOT standards and is broken down into four parts: existing conditions, future conditions (7 year horizon without Mass DOT project being completed), future horizons (7 years with the Mass DOT project being completed), and results. For existing conditions they are in the field, collect data, measurements, perform traffic counts, and collect crash data. The traffic counts were done at the Red Brook Road intersection as well as where the existing hotel is. The data was collected in January and in May. They did review seasonal data and added 24% for seasonal adjustment which represents an average increase. In response to Mr. Rowley's memo, they did look at the summer peak flow of traffic which is another 24% increase, totaling a 48% increase to represent the summer peak period. This is an appropriate increase in accordance with the Mass DOT increase number as well which was prepared for the Mass DOT construction project as well. Ms. Medeiros states that during their traffic counts 7-9 a.m. and 4-6 p.m. which are peak times for work and school traffic, and during the traffic counts they look at the worst area in the analysis. In the crash data they use data provided for the last 5 years. The Red Brook Road area was a high crash area, but there is a Road Safety Audit done on the area which is the reason for the Mass DOT project, which is currently being bid for construction. The project is viable and has a cost of 18 million dollars that is being funded by the state. This will address operational and safety issues. The largest part of that project will be the

signalization done at Red Brook Road which should reduce the number of crashes, and three other signals will be upgraded, all signals will be upgraded for pedestrian crossing as well with sidewalks on both sides as well as bicycle lanes. A median will also be installed which will reduce the cross traffic accidents. There will be designated U-turn areas at this intersection in both directions. Ms. Medeiros states that Mass DOT will also be monitoring the construction once it is completed. Ms. Medeiros states construction should commence in spring 2019.

Ms. Medeiros states the project impacts have a trip generation based on the proposed 174 units and that adds the proposed trips into the project impact. Route 6 carries 20,000 cars a day, this project will be a 5% increase on traffic volume. Ms. Medeiros states this will not be a large traffic impact. The entry from Cranberry Highway will be right in and right out due to the median. From Red Brook Road it can be accessed for either direction. Both driveways are anticipated to work with minimal delay. Ms. Medeiros states the largest concern on the peer review was impacts from summer traffic, which is an existing issue, and does not see this residential impact effecting the summer traffic. Ms. Medeiros states they have determined that this project will have minimal impacts to traffic.

Mr. Freeman states that he recommends that Mr. Rowley and Ms. Medeiros also continue correspondence outside of the public hearing as well.

Present before the Board: Debbie Edo

Ms. Edo states she was wondering when the Mass DOT study was down, whether before or after the proposed 40B project. Ms. Edo states it also sounds as though everyone would have to use Red Brook Road to access the site and other back roads to avoid the lights which is dangerous for neighborhoods.

Present before the Board: Lucille Dodson

Ms. Dodson states that she was at the DOT public hearing and that design was created in 2012 they never anticipated that there would be 174 residential units on that road or at that intersection so Ms. Dodson feels it is a moot point to reference the Mass DOT studies and findings. Mr. Dodson feels the increase in number of cars will impact the traffic.

Mr. Elkallassi references the letter from Mr. Rowley dated March 23. Mr. Elkallassi states that it consistently references that doing the project in three faces impacts traffic and drainage and other site conditions. Mr. Elkallassi asks if there is any way the applicant can do this project in one phase instead of three. Mr. Freeman states they could look into that and get back to the Board with an answer regarding that. Mr. Elkallassi also states he agrees with Mr. Rowley's letter, that if the Board were to grant any type of permit the hotel would have to be removed in the first phase and not the second, they would not be willing to wait until the second phase to remove the hotel. Mr. Elkallassi states the water zoning district only allows 15% of the total area to be impervious. Mr. Elkallassi states it would be beneficial for the project to obtain the piece of land in the middle of the project that are privately owned. Mr. Freeman states that owner prefers to keep that parcel. Mr. Elkallassi states that for building A & B 72 parking spaces are being proposed but 120 parking spaces are required, in building E & F they are short 60 parking spaces. And buildings C & D are short 40 parking spaces. Mr. Freeman states they respectfully disagree, that those parking spaces are not required and the number of parking spaces are based on experiences. Mr. Elkallassi states they need the fire department to comment on connections for the site as well. Fencing must be discussed, and also discussion about drainage. The drainage would not be sufficient if done in phases, it must be done all together.

Present before the Board: Jim O'Brien, Dakota Partners

Mr. O'Brien states they strategically set the motel to be removed in phase two as part of a transition process, to house potential applicants during construction. Mr. O'Brien states the parking was referencing the zoning in town, and their parking is based on one and two bedroom units and the parking has been created to reflect that. Mr. O'Brien states they will supply statistics to support this. Mr. O'Brien states they have spoken with the fire department and they have requested the applicant move some of the fire hydrants, which will be done, and two hard pavers have been requested between two of the buildings which will also be accommodated and reflected on the next round of plans.

Mr. Elkallassi asks if there were any way they could combine the entire project and not work in phased. Mr. O'Brien states that the tax credits are capped on each award, which would only be enough to build in phases, until another award goes through. Mr. Elkallassi states that his concerns is that the first phase with 52 units will be built, the residents will have to cope with the construction surrounding their units, dealing with dust and noise. Mr. O'Brien states that the second phase has a second entrance.

Mr. Rowley states there were a few points about the traffic study he wanted to discuss. Mr. Rowley asks if she could explain the ITE traffic study and explain to the number of trips per day per unit. Mr. Rowley asks if this information could be related to the number of vehicles on the site. Mr. Rowley states once the highway is constructed and the median is in place there will be an impact to the internal circulation to the entire project, especially during construction due to the required U-turns from the highway. Mr. Rowley is also concerned with children and people on the site and the interference of construction on the site.

Ms. Medeiros will respond with comments at a later date.

Mr. Elkallassi asks if a 21E was done for the property. Mr. O'Brien states they did perform a 21E and a phase II study on that as well. This information should help with the Water Districts concerns. Mr. Rowley states in the original study by Green Seal Environmental in May 2017 they addressed two or three items that they felt needed additional work. In November 2017 they went back and did 8 test borings and two test wells to study the groundwater and the conditions on the site. That data was not included in their recent letter and that data would be appropriate to have them in the letter. Mr. Rowley recommends the monitoring wells be maintained, and if they must be moved, then to move them to an appropriate location.

Mr. Rowley requests information from other projects that the applicant is basing the parking numbers from, that are similar to this project, to see if the number of parking spaces will actually work.

Mr. Elkallassi asks how many handicapped units are being proposed. Mr. Haverty is not sure if there are any required for a 40B. Mr. O'Brien states the ADA requires that 5% of the apartments be made accessible. The apartments are created on the first floor with removable cabinets and other features so that the apartment can be made handicapped accessible upon request.

Present before the Board: Peter Teitelbaum, Selectmen

Mr. Teitelbaum says in regards to the notion of leaving the motel standing to transition renters from the motel to the apartments, the Board of Health passed a long-term motel stay regulation in 2015 that limits motel stays to 21 days. Mr. Teitelbaum states that he doesn't feel that is a feasible reason to keep the hotel standing.

Mr. Elkallassi states that the three phases of this project is a concern for everyone.

Mr. Rowley states he does have a comment on the project layout with the open space. There is $\frac{3}{4}$ of an acre set aside for open space, and there is stormwater drainage proposed in that area. Mr. Rowley states there will be a collection of stormwater drainage from the pavement areas and roofs. That water will

discharge into one of two temporary bio retention areas that will hold water to a certain point and then will spill into an outlet that goes into an infiltration basin that is underneath. Mr. Rowley is concerned this will be an attractive nuisance to children, and is concerned to have an open basin in the common area. Mr. Rowley is also concerned with contaminants in the catch basins as well; if it is not suspended in the water it will get into the infiltration system and the groundwater. Mr. Rowley states he assumes that the hydraulic rate is toward their wells. Mr. Rowley states the catch basins should be covered to protect children.

Mr. Elkallassi asks if they changed their drainage if that would work. Mr. Rowley states there may be contaminants that get into the catch basins that flow out, and a monitoring well would catch the issue before the stormwater leaves the property. Mr. Rowley states if you drill the well far enough under the water table and monitor it on a regular basis this should keep contaminants out from the groundwater. Mr. Elkallassi states he recommends a water-oil separator at each catch basin before the water reaches the leeching field. Mr. Rowley states that the oil catch basin will do well for a small spill, but not for a large spill. Mr. Eacobacci asks if there is any mandate to how often the oil catch basins are cleaned. Mr. Rowley states there should be a maintenance plan which should be included in their stormwater report. Mr. O'Brien states he does want the benefit of the town to be kept in mind. The catch basins proposed do have plant life around it and is like a rain garden. Mr. O'Brien agrees that safety for the children is a concern and that the catch basins could be put underground, under turf. Mr. O'Brien states he also anticipated the water-oil separators and agrees to work with the Onset Water District's engineer to ensure that the monitoring wells are placed in ideal places to protect the water aquifer.

Mr. Elkallassi asks why there are stone dust walks in the green area. Mr. O'Brien states that the paved paths look too commercialized, pavers are too expensive and become trip hazards, and mulch is too loose. Mr. Elkallassi states it would be very difficult to shovel stone dust in the winter. Mr. O'Brien states they do not shovel the walkways in the center common area.

Mr. Eacobacci states he would like to address the three phases that the project is proposed in. Mr. Eacobacci states he would feel better if the project were phased differently so no land ends up land-locked and to prevent potential issues of constructing the back lot last.

Regarding the commercial piece out front, Mr. Eacobacci states that could be potential vehicular access and believes it would be beneficial to pave that area to use as access.

Mr. Eacobacci also feels the number of units could be reduced. Mr. Eacobacci is also recommending that the deadline be extended by one month due to the four weeks missed due to inclement weather and health issues. Mr. Freeman states they may discuss that privately but is not opposed to that idea. Mr. Elkallassi states he feels they should wait until June and see where the project is at that point.

Mr. Elkallassi asks what phase the welcome center and common area is proposed to be built in. Mr. O'Brien states those are proposed for phase II. Mr. Elkallassi states he is concerned with that if the project doesn't make it past phase I. Mr. Elkallassi feels they should consider building the back building, common area, and welcome center and remove the hotel in the first phase. Mr. Elkallassi is concerned with the economy and the phasing. Mr. O'Brien states he feels if only Phase I is completed there would not be a need for a welcome center, because there won't be as many people and there wouldn't be any money in Phase I to construct the welcome center as well. Mr. O'Brien states they could certainly commit to building the welcome center as the first part of Phase II. Mr. O'Brien states he is amiable to constructing the common area in Phase I and committing to building the Welcome Center before any residential units are built. Mr. O'Brien states the drainage, cul-de-sac, fire lanes, and extensive site work is required for Phase I. Mr. O'Brien states there may also be changes he would like to make to the Welcome Center after Phase I.

Mr. Eacobacci asks where the dumpster is located on the site. The dumpster is between buildings C and D in the back of the lot. Mr. O'Brien states the dumpster will be there until Phase II, where the dumpster will have to be moved to accommodate fire truck turn around. Mr. Eacobacci states after that it will be moved to the other side of the site. Mr. O'Brien states it will be a full enclosure around the dumpster. Mr. Eacobacci states that at Union Pond there is a concrete-enclosed dumpster with stairs and gates to allow access to the dumpster. Mr. Eacobacci states there is another side that is also enclosed by concrete where people may dispose of mattresses, couches, and other materials that are commonly illegally dumped.

Mr. Rowley touches on building Phase III first, all of the drainage they have proposed in Phase I requires the drainage facilities proposed in Phase III. Mr. O'Brien states they perform this with temporary easements. Mr. Eacobacci states they will receive easements for the drainage and the parking, Mr. O'Brien states that is correct. Mr. O'Brien states this is where a lot of the cost is incurred in Phase I. Mr. Rowley states there is no detail on the cul-de-sac or the temporary driveway and Mr. Rowley can't recommend approval of something if he doesn't know the grade or materials proposed. Mr. Rowley states if Phase I happens first and nothing else gets done you want to ensure these structures will be in place and not done just as a temporary cul-de-sac and driveway.

Mr. Rinaldi asks what Mr. Rowley is looking for as far as details regarding the cul-de-sac and driveway. The cul-de-sac and the driveway will be built to the same pavement details as the rest of the parking and driveways and showed phased drainage details in case the project for some reason did not continue beyond Phase I that the drainage would still be sufficient. Mr. Rowley states he is looking for final grades, where the water is running to, and where the water is collected. Mr. Rowley states on the plans the cul-de-sac and driveway are listed as temporary.

Mr. Buckland states there is a home to the right of the property that is shown on some plans and not others and was wondering if that was to show open space. Mr. Rinaldi states it is not shown to demonstrate open space, it is just an abutting lot and is shown on some plans and not others due to the angle and position of the view.

Mr. Rowley had also requested further information along the edge of pavement for Cranberry Highway and Red Brook Road for spot grading, the comment was that Mass DOT will provide the information for Cranberry Highway. Mr. Rowley states he still needs the information for Red Brook Road to ensure the runoff is appropriately handled to ensure they are not taking any additional runoff from Red Brook Road.

Mr. Elkallassi asks if the traffic engineer could address the questions from Mr. Rowley and the Board.

Mr. Medeiros states that the IT's for the project is for the entire project and not for each unit. Mr. Rowley states he was wondering if they could associate that number with the number of units. Ms. Medeiros states they focus on the daily and high impact times, not on what each unit generates in traffic. Mr. Rowley states that he isn't looking for the trip generation for each unit, but if through the IT process if they could discern essentially the number of parking spaces required. Ms. Medeiros states IT also does a parking generator. Mr. Rinaldi states that the IT recommends 1.23 parking spaces per dwelling and they will provide that information to Mr. Rowley. Mr. O'Brien states the site as proposed uses 1.5 parking spaces per unit and will also provide that information to Mr. Rowley.

Mr. Elkallassi states they need to figure out the drainage for the site and encourages the applicant to try to purchase the middle lot between the development. Mr. O'Brien states they have contacted the owner and they hope he changes his mind and will allow them to purchase that parcel as well.

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

VOTE: (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

1. See correspondence sent via email and/or in packets.

B. Certificate of Completion – Mike Harrington – 0 Squirrel Island Road

C. Upcoming Hearings:

May 9, 2018	#1-18	Use Variance	J. Donegan	2419 & 2417 Cranberry Highway and Seth F. Tobey Road
May 9, 2018	#12-18	Use Variance	Wareham Family Dental, Inc.	43 & 45 Sandwich Road

D. 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 27, 2018 Variance – April 6, 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 18, 2018	#3-18	Variance	Lenord Cubellis	4 Union Avenue
Special Permit – July 10, 2018 Variance – July 20, 2018	#7-18	Variance/Special Permit	Lenord Cubellis	197 Onset Avenue

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

VIII. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Motion is seconded.

VOTE: (5-0-0)

Date signed: 5-9-2018

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

Date copy sent to Town Clerk: _____

RECEIVED

MAY 14 2018

WASH. STATE ARCHIVES
1000 1ST AVE
SPokane, WA 99201