

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

**Date of Meeting: May 23, 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.  
Wilma Engerman  
Jacob Morrison, associate member

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

### **I. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: May 9, 2018**

The minutes were not ready for review at this time.

#### **B. Request for Minor Modification 5-18 Linda & Tom Hannon**

Present before the Board: Bill Lockwood, Lockwood Architects

Mr. Lockwood states that the initial decision stated that the house could not exceed a height of 27 feet. Mr. Lockwood states that they have run into complications and are requesting a height of 28.5 feet. Mr. Lockwood stated this is still 6.5 feet less than the restriction of 35 feet for this zone.

**MOTION:** Mr. Eacobacci moves to approve this as a minor modification based on plans by Lockwood Architects revised on May 9, 2018.

**VOTE: (4-1-0)**

### **II. PUBLIC HEARINGS**

#### **A. #13-18 -- Site Plan Review/Special Permit - Wareham Family Dental – 43 & 45 Sandwich Road**

Present before the Board: Dr. Rabi, Wareham Family Dental  
William Madden, G.A.F. Engineering, Inc.

Mr. Madden states that the public hearing did not state the Variances being requested. The legal advertisement is also requesting relief from different sections than actual relief is being requested from.

Mr. Elkallassi states he doesn't feel a Variance is a requirement for this application. Mr. Madden and the Board agree to move forward with the requirements of a Special Permit and not a Variance.

Mr. Madden describes the layout of the site to the Board, the site has existing curb cuts that they would like to close-in slightly to the 20' curb-cuts.

Mr. Eacobacci states he has a letter from the Wareham Fire Department stating that they would request 25' curb cuts opposed to the 20' curb cuts shown.

Mr. Madden addresses the parking, handicapped parking, and customer turn-around on site. Drainage and rain gardens are shown on the plans.

Mr. Madden has not had time to respond to the review letter from Charles Rowley and the Fire Department.

There are currently two points of access to the site, it is proposed to have one point of access to the site.

Both buildings are serviced by Town Sewer and Town Water.

Mr. Elkallassi states there may be some ponding in certain areas on the site. Mr. Madden states they will do some spot grading to prevent ponding on the site.

The rear of the site has fencing and plantings and the east side of the site has plantings for screening.

Mr. Elkallassi asks if there is 20' from the rear of the parking lot to the abutting property. There is not a 20' buffer and a waiver will need to be requested.

Mr. Elkallassi recommends having concrete curbs on the side of the building

Mr. Madden shows a proposed sign on the site.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until June 27, 2018. Motion is seconded.

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

**B. #14-18 – Major Modification - Afif El Baba – 3070 Cranberry Highway**

Attorney Bello cannot be present at this hearing and requests a continuance.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until June 27, 2018. Motion seconded.

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

**C. #15-18 – Variance - Brock Tucy – 276 Glen Charlie Road**

Present before the Board: Brock Tucy

The applicant is requesting permission to build on lots combined that remain undersized for construction in that zoning district.

Mr. Tucey states that he has a letter from 1976 from the Planning Board stating that the lot would not be held to the new zoning and the property would not be held to new lot requirements and would remain a buildable lot.

The Board of Selectmen submitted a letter to the Zoning Board to request consideration be given to grant the Variance to Mr. Tucey.

Present before the Board: Jerry Stefanski

Mr. Stefanski states that he feels having a home on the vacant lot would greatly improve the aesthetics of the area.

Present before the Board: Mike Chini

Mr. Chini states he is attempting to purchase the piece of land and requests the variance be granted.

Present before the Board: Arthur Rizioli

Mr. Rizioli is an abutter and feels this will increase the value of his property rather than decrease it.

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

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

**MOTION: Mr. Eacobacci moves to grant the Variance as presented. Mr. Baptiste seconds.**

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

### **III. CONTINUED PUBLIC HEARINGS**

#### **A. #46-17 -- Special Permit/Variance - Ramos Realty Trust -- 300 Glen Charlie Road**

No one is present at this time.

**MOTION: Mr. Baptiste moves to deny without prejudice. Motion is seconded.**

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

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

Present before the Board: Matt Smith, Bohler Engineering  
J. Donegan, J. Donegan Company  
Sean Kelly, Vanasse and Associates

Mr. Kelly states they are before the Board requesting Site Plan modification. There are two modifications on the plans since the last approval. The initial change is the building where the Wendy's will be located. The second change is the area near the Aldi's, there is a 60 foot square foot space, the depth has been changed to 90 feet creating an area of 3,200 s.f. total. The Wendy's is a 2,500 s.f. drive-thru with a total of 24 parking spaces and very standard drive-thru circulation. The que for the drive-thru will not impact surrounding traffic. There are very few changes to the impervious area. Mr. Smith also states there is a

cross connection to the new liquor store proposed on Tobey Road. The liquor store will have access through the Wareham Marketplace parking lot.

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

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

**MOTION:** Mr. Baptiste moves to grant the modification as presented. Mr. Eacobacci seconds.

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

#### **IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**

##### **A. Correspondence**

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

##### **B. Upcoming Hearings:**

June 13, 2018	#2-18	Comprehensive Permit	Dakota Properties	3102 Cranberry Highway
June 13, 2018	#16-18	Special Permit/Variance	Kevin Hines	16 Spectacle Pond Terrace
June 13, 2018	#17-18	Site Plan Review/Variance	RMRM Realty, LLC	3035 Cranberry Highway
June 13, 2018	#18-18	Special Permit/Variance	Joseph Occhipinti	2 Agawam Beach Road
June 13, 2018	#19-18	Special Permit/Variance	Joseph Nadeau	54 Nanumett Street
June 13, 2018	#20-18	Special Permit/Variance	William McCain	252 Sandwich Road
June 13, 2018	#21-18	Special Permit	Pharmacannis Massachusetts, Inc. DBA VeriLife	112 Main Street

##### **C. 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
Comprehensive Permit – 8/27/18	#2-18	Comprehensive Permit	Dakota Properties	3102 Cranberry Highway
Special Permit – 8/21/18	#13-18	Site Plan Review/Special Permit	Wareham Family Dental	43 & 45 Sandwich Road
	#14-18	Major Modification	Afif El Baba	3070 Cranberry Highway
Variance – 8/31/18	#15-18	Variance	Brock Tucey	276 Glen Charlie Road

Special Permit – 9/11/18; Variance – 9-21-18	#16-18	Special Permit/Variance	Kevin Hines	16 Spectacle Pond Terrace
Special Permit – 9/11/18; Variance – 9-21-18	#17-18	Special Permit/Variance	RMRM Realty, LLC	3035 Cranberry Highway
Special Permit – 9/11/18; Variance – 9-21-18	#18-18	Special Permit/Variance	Joseph Occhipinti	2 Agawam Beach Road
Special Permit – 9/11/18; Variance – 9-21-18	#19-18	Special Permit/Variance	Joseph Nadeau	54 Nanumett Street
Special Permit – 9/11/18; Variance – 9-21-18	#20-18	Special Permit/Variance	William McCain	252 Sandwich Road
Special Permit – 9/11/18	#21-18	Special Permit	Pharmacannis Massachusetts, Inc. DBA VeriLife	112 Main Street

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

### III. ADJOURNMENT

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

Date signed: 6-27-2018 **VOTE: (5-0-0)**

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

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

RECEIVED

JUN 28 2018

TOWN OF WAREHAM  
TOWN CLERK