

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: June 24, 2015

I. CALL MEETING TO ORDER

The meeting was called to order.

II. ROLL CALL

Members Present: Nazih Elkallassi
James Eacobacci
Wilma Engerman
Karl Baptiste, Sr.
Jan Kendrick
Timothy Lydon, Associate Member

Also Present: Mr. Charles Rowley, PE, PLS

III. PRELIMINARY BUSINESS

A. Re-organization of the Board.

MOTION: A motion was made & seconded for Mr. Elkallassi to be Chairman of the Wareham Zoning Board of Appeals.

VOTE: (4-0-1)

MOTION: A motion was made & seconded for Mr. Eacobacci to be Clerk of the Wareham Zoning Board of Appeals.

VOTE: (4-0-1)

The Board members decided not to have a Vice Chairman at this time.

B. Approval of meeting minutes: May 28, 2014 & April 8, 2015.

MOTION: A motion was made & seconded to approve the meeting minutes of May 28, 2014 & April 8, 2015 under the law of necessity.

VOTE: Unanimous (5-0-0)

C. Discussion: Court decision – Remand Petition #15-13.

The Board was provided with a copy of the court decision to review.

MOTION: A motion was made and seconded for the Board members to review the court decision & hold a discussion on the matter on July 9, 2015 & further, to request that Mr. Pichette, Interim Town Planner be present.

VOTE: Unanimous (5-0-0)

D. Signatures needed on decision documents for Petition #04-15 –Wareham Depot Properties.

Wareham Depot Properties submitted a letter asking the Board to withdraw Petition #04-15 without prejudice. The Board had previously unanimously approved the withdrawal and now the documents relative to the approval of the withdrawal must be signed (only by those members who were present at the previous approval meeting).

IV. PUBLIC HEARINGS

There were no public hearings scheduled.

V. CONTINUED PUBLIC HEARINGS

A. Petition #01-15 - 3166 Cranberry Highway – Richard Mann

Discussion ensued. It was stated that hearings re: this petition have been continued several times. The previous Board gave temporary approval of the original site plan, subject to a revised plan containing revisions suggested by Mr. Charles Rowley. Mr. Rowley has indicated he has still not received the revised plans.

The Board concurred to have Mr. Pichette contact the applicant for a status report.

MOTION: A motion was made and seconded to continue the public hearing for Petition #01-15 – 3166 Cranberry Highway – Richard Mann to July 22, 2015.

VOTE: Unanimous (5-0-0)

B. Petition #06-15 – Renewable Generation – 127R Marion Road

NOTE: Mr. Lydon stated he is an abutter to this property & he will recuse himself from discussion & voting on this matter.

Present before the Board: Mr. Rogers, Renewable Generation Engineer
Representative for Renewable Generation

The public hearing notice was read into the record.

The representative stated the Order of Conditions from the Board has been received & reviewed. The representative would like to make a change in 53G re: the time period. The representative asked for the time period to be from the date of the permit to the start of construction. The Board members asked Mr. Rowley if this was acceptable and he replied no.

It was stated that there has been no bond deposit paid for this project. If it is to be a cash security, the security needs to be deposited with the Town prior to the start of the project. If the

security is a bond, the Town needs to be the recipient of the bond. The bond will be at 150% of the estimate presented to the Town.

Present before the Board: An Abutter

An abutter expressed concern re: how much of the property may be taken for this project and who will pay for any damage that may be done to his property. Mr. Elkallassi explained the project should not encroach onto the abutter's property and if it does and damage is done, the company will be responsible for fixing it.

It was stated that Renewable Generation will give 48-hours notice to abutters re: any property blockage. It was also stated that any blockage will not last more than 24 hours.

Concerns re: groundwater, soil, drainage, and landscaping were addressed. For landscaping, it was suggested Evergreens such as Mountain Laurel, Holly, and Andromeda be used. Maintenance of the property is covered in conditions #21 and #22.

It was explained the bond paperwork is going to be sent to Town Counsel for review and approval. One bond will cover the conditions imposed for the project and the other bond is for the road leading into the project area. It was explained that both bonds must be in place before the project begins.

Brief discussion ensued re: condition #26 which is now going to read "security for all construction is to be in an amount to be determined in estimates to be provided by Renewable Generation". Condition #28 is going to read "petitioner will come back before the ZBA to discuss bonds at the half way point of construction. All bonds must be approved by Town Counsel". Condition #29 is going to read "hours of construction are to be limited to Monday thru Friday 7:00 A.M. to 4:00 P.M. with no work to be done on weekends or holidays".

Brief discussion ensued re: a question of if a Variance is needed for an area where the 20' buffer requirement between commercial and residential properties is not being met on one corner of the project.

MOTION: A motion was made & seconded to close the public hearing for Petition #06-15 – Renewable Generation – 127R Marion Road.

VOTE: (4-0-0)

Discussion ensued re: the 20' buffer issue and it was decided to narrow the 20' road to 15' where the extra 5' is needed to create the 20' landscape buffer.

MOTION: A motion was made & seconded to grant a Special Permit for Petition #06-15 – Renewable Generation – 127R Marion Road as amended on June 24, 2015 with the original 27 conditions as proposed by Mr. Rowley & amended so as the first paragraph includes the June 8, 2015 revisions, the landscape plan dated June 16, 2015, condition #26 to be amended to read "the security of all construction is to be in an amount to be determined by estimates provided by Renewable Generation to the Town of Wareham", condition #28 shall read "the petitioner shall present a performance bond together w/ items to be

completed by condition & the total cost of removal of said items", the Town of Wareham shall be named as beneficiary of the bond, the bond will be at 150% of the estimate presented to the Town & this bond shall be approved by Town Counsel; this shall be done prior to reaching the half-way point of construction, condition #29 shall read "hours of construction shall be limited to Monday thru Friday, 7:00 A.M. to 4:00 P.M., with no work to be done on weekends or holidays, & condition #30 shall read " where landscape buffer narrows to 15' the 20' road will narrow to 15' to provide the extra 5' are needed to create the 20' landscape buffer".

VOTE: (4-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

NOTE: Discussion ensued re: a Special Permit issued & the matter dealing w/ Atlantic Boats property & the property purchased by Mr. Deluze.

MOTION: A motion was made & seconded to re-open the matter of the Atlantic Boats property & the property owned by Mr. Deluze.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to have documents sent to Town Counsel & to request Town Counsel be present at the Board's next meeting.

VOTE: Unanimous (5-0-0)

- A. Correspondence
- B. Upcoming Hearings/Meetings

7/8/15	Petition #11-15	16 Sixth Street	Robert Cammarano
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Letter of resignation was received by the Board on June 11, 2015

VII. NEW BUSINESS

There was no new business discussed.

VIII. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting.

VOTE: Unanimous (5-0-0)

Date signed: 9/9/2015

Attest: James D. Eacobacci

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: 9/14/15