

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

**Date of Meeting: December 14, 2016**

### **I. CALL MEETING TO ORDER**

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

### **II. ROLL CALL**

Members Present: Nazih Elkallassi, Chairman  
James Eacobacci, Clerk  
Wilma Engerman  
Jan Kendrick  
Jake Morrison, Associate Member (Arrived at 6:40 P.M.)

Member Absent: Karl Baptiste  
Ernie Alden

### **I. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes October 12, 2016.**

**MOTION: Mr. Eacobacci moved to approve the meeting minutes of October 12, 2016 as presented. Ms. Kendrick seconded.**

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

**NOTE: Mr. Morrison arrived at this time.**

#### **B. Discussion: Petition #06-15 – Clean Energy Collective, LLC – 127R Marion Road.**

The petitioner has requested to modify the condition of the surety; asking that an engineer review the surety every five years to either increase or decrease the surety. As it stands, the surety is set to increase incrementally. The Board felt they should not discuss this without the applicant being present.

**MOTION: Mr. Eacobacci moved to continue the discussion re: Petition #06-15 – Clean Energy Collective, LLC - 127R Marion Road to December 28, 2016. Ms. Kendrick seconded.**

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

#### **C. Discussion: Minor Modification – Petition #24-16 – Christopher Rendel – 7 Kingwood Street**

Present before the Board: Bill Lockwood, Lockwood Engineering

Mr. Lockwood explained this project was previously approved with a 17' setback, however, the requirement is only 10'. The applicant has come across a gas line and requests the setback be 14' from the line.

**MOTION: Mr. Eacobacci moved to close the discussion. Ms. Kendrick seconded.**

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

**MOITION: Mr. Eacobacci moved to reduce the setback from 17'4" to 14' for Petition #24-16 – Christopher Rendel – 7 Kingwood Street. Ms. Kendrick seconded.**

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

## **II. PUBLIC HEARINGS**

### **A. #44-16 – Steven Seidel & Adria Steinberg – 3 Acorn Street**

Present before the Board: Bill Lockwood, Lockwood Architects

The public hearing notice was read into the record.

Mr. Lockwood explained the applicant is proposing a small addition on the rear of the building for a first floor bedroom.

The Building Inspector's letter dated August 22, 2016 states the property is already non-conforming due to existing excessive lot coverage. Thus a Variance is needed.

Mr. Lockwood stated the applicant's hardship is the stairs are becoming increasingly difficult for them to manage. The Board requested the applicant return with a site plan.

**MOTION: Mr. Eacobacci moved to continue the public hearing for Steven Seidel & Adria Steinberg to December 28, 2016. Ms. Kendrick seconded.**

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

### **B. #45-16 – Lenord Cubellis – 197 Onset Avenue**

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.  
Jaime Souza, EPM Corporation  
Len Cubellis

The public hearing notice was read into the record.

Mr. Madden explained that currently, there are two buildings on the property:, Quahog Republic and Guido's Ice Cream with a real estate office as well. There are apartments above Quahog Republic. Quahog Republic feels they need more space and their lease is expiring soon. They are looking to install a two- story addition on the property between the two buildings. The real estate office would be moved into the new space. The new construction would match the existing buildings. This is a pre-existing, non-conforming structure. The building area and impervious area are both increasing. They are requesting waivers from the setback. The proposed structure would be three inches from the property line. The hardship is the shape and size of the lot and soil topography. The applicant believes the non-conformity already exists on the lot. This district does allow the extension of non-conformities.

Ms. Engerman stated that with the new addition, there will only be a 4' setback which adds to the percentage of coverage. The proposed building would be 4,016 s.f. and the lot is only 5,227s.f.

Mr. Elkallassi asked what they intend to do about drainage. Mr. Madden responded they would be using the drainage already installed. The lot slopes toward the street.

Mr. Elkallassi stated he would like a chance to go out and see the property.

Present before the Board: Jovina Dean

Ms. Dean stated if the building is allowed to be built, it will obstruct her view of the water. It states in her deed that nothing shall be built on the bluffs that will obstruct her view of the water.

Mr. Elkallassi stated the deed will need to be reviewed. He asked if Mr. Cubellis's lawyer could review the deed. Mr. Cubellis and Ms. Dean agreed.

**MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #45-16 - Lenord Cubellis – 197 Onset Avenue to December 28, 2016. Ms. Kendrick seconded.**

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

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

#### **A. Petition #27-16 – Boone Ferri – 3127 Cranberry Highway**

The applicant has submitted a letter requesting to continue the hearing to January 25, 2017.

**MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #27-16 – Boone Ferri – 3127 Cranberry Highway to January 25, 2017. Ms. Kendrick seconded.**

**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:**

<b>December 28, 2016</b>	<b>#38-16 – Reconsideration of ZBA’s Decision</b>	<b>Patricia Moncey</b>	<b>41 Oak Street</b>
<b>December 28, 2016</b>	<b>#46-16</b>	<b>Planet Fitness</b>	<b>2991 Cranberry Highway</b>
<b>December 28, 2016</b>	<b>#47-16</b>	<b>Lynn Manning</b>	<b>110 Parkwood Drive</b>
<b>December 28, 2016</b>	<b>#48-16</b>	<b>John Parchesky</b>	<b>17 Onset Avenue</b>
<b>December 28, 2016</b>	<b>#49-16</b>	<b>Useff Enterprises, LLC</b>	<b>2888 Cranberry Highway</b>

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

**III. ADJOURNMENT**

**MOTION:** Mr. Eacobacci moved to adjourn the hearing. Ms. Kendrick seconded.

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

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

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

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

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