

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

**Date of Meeting: March 8, 2017**

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

The meeting was called to order at 6:45 P.M.

### **II. ROLL CALL**

Members Present: Nazih Elkallassi, Chairman  
Jim Eacobacci, Clerk  
Jan Kendrick  
Wilma Engerman  
Jake Morrison

Members Absent: Ernie Alden  
Karl Baptiste

Also present: Kenneth Buckland, Director of Planning  
Charles Rowley, Town Review Engineer

### **I. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: February 8, 2017**

**MOTION: Mr. Eacobacci moved to approve the minutes of February 8, 2017. Ms. Kendrick seconded.**

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

#### **B. Discussion: Letter from Bello & Bello re: Petition #09-16 – Strategic Holdings, LLC – 83 Sandwich Road**

Mr. Elkallassi stated there was some confusion with this issue in July of 2016. Attorney Len Bello had requested a withdrawal and the Board had denied the application.

**MOTION: Mr. Eacobacci moved to correct the decision to reflect the withdrawal was requested. Ms. Kendrick seconded.**

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

### **II. PUBLIC HEARINGS**

#### **A. Petition #09-17 – Peter & Terri Gordon – 3 Crooked River Road**

Present before the Board: Terri Gordon  
Chris Ellis, Contractor

The applicant is requesting to construct an accessory apartment on an existing single-family dwelling. Ms. Gordon stated she would like to construct an in-law apartment at the residence. Mr. Elkallassi asked if there is a kitchen being installed. Mr. Ellis stated there will be a full kitchen and bathroom as part of the addition.

It was noted that there are no engineered plans of the proposed addition. Mr. Elkallassi stated there will need to be a full site plan from a surveyor for the project. The hearing will be continued until March 22, 2017.

**MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #09-17 – Peter & Terri Gordon – 3 Crooked River Road March 22, 2017. Ms. Kendrick seconded.**

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

**B. Petition #10-17 – Paul Distasio – 2 Nokomis Road**

Present before the Board: Paul Distasio  
John Williamson

The applicant is seeking to remove and re-construct two existing exterior basement stairwells in a larger footprint. The stairs do not have the appropriate headroom to enter the basement from the exterior stairways. The non-conformity is lot coverage.

Brief discussion ensued.

**MOTION: Mr. Eacobacci moved to close the public hearing for Petition #10-17 – Paul Distasio – 2 Nokomis Road. Ms. Kendrick seconded.**

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

**MOTION: Ms. Kendrick moved to grant a Special Permit for Petition #10-17 – Paul Distasio – 2 Nokomis Road with the condition that the home revert to a one-family dwelling and that this be recorded at the Registry of Deeds. Mr. Eacobacci seconded.**

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

**III. CONTINUED PUBLIC HEARINGS**

**A. Petition #6-17 – Afif El Baba – 3070 Cranberry Highway**

Present before the Board: Afif El Baba

The previous hearing was continued due to the requirement of engineered plans. The required plans were presented this evening. Mr. El Baba is continuing a use of an existing used car sales lot. Mr. Rowley stated there was a previous Special Permit granted for this project. He added that previously, the drainage, lighting, and landscaping was not completed. He stated he and the engineer for Mr. El Baba, as well as Town Counsel, agreed that the previous Special Permit lapsed.

Mr. Rowley believes (with the information shown in the new plan presented by Mr. El Baba) the new plan meets the criteria for the landscaping, drainage and lighting. He believes that a new Special Permit should be granted.

Brief discussion ensued.

**MOTION: Mr. Eacobacci moved to close the public hearing for Petition #6-17 – Afif El Baba – 3070 Cranberry Highway. Ms. Kendrick seconded.**

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

**MOTION: Mr. Eacobacci moved & Ms. Kendrick seconded to grant a Special Permit for Petition #6-17 – Afif El Baba – 3070 Cranberry Highway as presented and further, with the following conditions:**

- **The landscaping should comply with plans drafted by CEG Engineering, dated 3-3-2017.**
- **The lighting and drainage should comply with plans drafted by CEG Engineering, dated 3-3-2017.**
- **The site construction is to be reviewed by the Town Engineer.**
- **Extend the chain link fence between Benny's and the property so no car traffic can go through.**
- **The conditions should be met prior to the issuance of the occupancy permit.**

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

**Ms. Engerman opposed**

**B. Petition #08-17 – Charles L. McHugh – 9 Sippican Road**

Present before the Board: Charles L. McHugh

The hearing had been continued to await engineered plans. The plans have been presented at this time. The applicant is proposing a front step and a small addition on the rear of the house. Ms. Kendrick feels that the project is a Special Permit and not a Variance. The other Board members concurred.

**MOTION: Mr. Eacobacci moved to close the public hearing for Petition #08-17 – Charles L. McHugh – 9 Sippican Road. Ms. Kendrick seconded.**

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

**MOTION:** Ms. Kendrick moved to grant a Special Permit for Petition #08-17 – Charles L. McHugh – 9 Sippican Road finding the project is not detrimental to the neighborhood and not substantially more non-conforming. Mr. Eacobacci seconded.

**VOTE: (4-1-0)**  
**Ms. Engerman opposed**

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

**A. Correspondence**

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

It was stated that Patricia Moncey has submitted an appeal for the previous hearing on 41 Oak Street.

**B. Upcoming Hearings:**

March 22, 2017	#11-17	Karen Welch	2667A Cranberry Highway
March 22, 2017	#12-17	Kyle Brenner	15 Bush Street

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

**III. ADJOURNMENT**

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

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

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

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

James Eacobacci, Clerk  
WAREHAM ZONING BOARD OF APPEALS

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