

Wareham Zoning Board of Appeals
Wednesday, September 27, 2023 – 6:30 p.m.
Minutes

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.

The following record pertains to a meeting held by the Zoning Board of Appeals at 6:30 PM local time. A video recording of this meeting is available for viewing. The record of the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

I. CALL MEETING TO ORDER

Mr. Eacobacci called the meeting to order at 6:30 p.m.

II. ROLL CALL

Present: Nazih Elkallassi, Jim Eacobacci, Richard Semple, Veronica DeBonise and Troy Larson
Absent: Jake Morrison

Building Commissioner, Paul Turner was present.
Planning Director, Ken Buckland was on via Zoom.

III. PRELIMINARY BUSINESS

1. Approval of Meeting Minutes: 9/13/2023 – Mr. Eacobacci motioned to approve the minutes which were seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

2. 12-23 Onset Bay, LLC (F/K/A BODM, Inc.) – 18 Green St – Town Counsel asks to be authorized to request that the court allow the marina storage racks be remanded for further review by the ZBA to correct errors

Mr. Eacobacci made a motion to authorize Town Counsel to act on behalf of the ZBA and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

3. Decision on 11-23 Peter Koulouras, Trustee – Variance – 3127 Cranberry Highway

Mr. Eacobacci made a motion to grant, on the hearing that was previously held, to grant the signing of the Variance and Special Permit as well as the site plan for 3127 Cranberry Highway. The motion was seconded by Mr. Larson and passed with one abstaining. (4-0-1). Ms. DeBonise abstained.

4. Request for Extension of Special Permit – 50-21 – 15 South Blvd – Salvadore to October 25, 2024

Ms. Morton was present for the applicant; she stated they were looking for another year to extend the Special Permit. She said it was to add a garage and expanding the second story.

Mr. Elkallassi said he is not to keen to approve these extensions as they just sometimes continuously ask for it to be continued.

Ms. DeBonise said she agrees that she doesn't like to continuously extend things but understands that COVID put a damper on the building as well.

Motion: Mr. Eacobacci made a motion to issue the continuance as requested which was seconded by Mr. Semple. The motion passed with one denying. (4-1-0). Mr. Elkallassi was not in favor.

IV. CONTINUED PUBLIC HEARINGS:

1. 21-23 Angela McKeown – Site Plan Review/Special Permit/Variance – 386 Main Street

Attorney Jillian Morton was present before the board representing the applicant. She said there was revised plans. Ms. Morton said there was an email sent from the Fire Department for approval.

Sam Iamele from JC Engineer reviewed the layout and detail that was added to the plans. He stated they have a landscape design and it's included in the plans, page 6. Mr. Iamele stated they have a review from the Fire Department. Mr. Iamele stated they submitted a response to the peer review to the town engineer on September 26, 2023.

Mr. Semple asked about the trees on both sides of the street if they agreed to that.

Attorney Mark Deshaies was present for the Irrevocable Trust and hasn't had an opportunity to review the plans. He has reviewed some of the property and gave a review for the property/easement to High Street. He said he believes it's an overburden of the right-away. He said they have a situation, to go to 16 units, 32 cars and trip generation is an overburden.

Ms. DeBonise stated she didn't see how overburdening it would apply in this situation.

Mr. Eacobacci made a motion to continue until November 8, 2023, until they receive more information and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

2. 31-23 Warren 176 Main St. QOZB LLC – Variance/Special Permit & SPR 176 Main Street

Attorney Morton was present for the applicant, along with Bill Madden, GAF Engineer. Phil Warren, and Neil Silva were also present.

Mr. Silva started by discussing the guidelines that they wanted to adhere to and advised the board how they would be adhering. He gave an overview of what they are doing from a visual point of view and plantings on the property.

An abutter named George Stuart was present as well and was concerned about the noise and asked about a rear buffer request to eliminate noise. The applicant was happy to work with him and put up some bushes to help with that.

Mr. Eacobacci made a motion to close the variance part of the application which was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

Mr. Eacobacci made a motion to grant the variance, which was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

Mr. Eacobacci made a motion to continue to October 8, 2023, and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

3. 33-23 William Cooper – Variance – 11 Lake Avenue

Mr. Semple made a motion to close and was seconded by Mr. *Eacobacci: JE. 10-11-23*

Mr. Eacobacci made a motion to deny without prejudice and was seconded by Mr. Elkallassi. The motion passed unanimously. (5-0-0).

4. 35-23 Schoolhouse Rocks LLC. – Variance/Special Permit & Site Plan Review – 1073 Main Street

Ms. DeBonise recused herself.

Attorney Patricia McArdle and Ernest DeBonise were present.

Ms. McArdle reviewed the project, within the MR District. She stated it is an old school they purchased a year ago. She explained they wanted to put in seven units within the school. Special permit to allow more than 5 units per Building Commissioner letter. Also requesting a variance for area – meet frontage of road, not of the area. She said they have a site plan but not ready to have that reviewed as well.

Mr. Elkallassi asked about the square footage of the units of the 800 sq footage.

Mr. Eacobacci said he would like to see the building used and the historical part of it maintained. He asked about the attic space.

Ms. McArdle explained the plan to create ‘townhouse’ look inside with bedrooms on the second floor.

Mr. Semple stated he is okay with the discussion, but the square footage needs to be closer to the 650 sq feet on the 800 sq feet apartments.

There was no public comment.

Mr. Eacobacci said he would be okay with granting the variance subject to the final plans architectural and site plans.

Mr. Eacobacci made a motion to close the public hearing on the variance which was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

Motion: Mr. Eacobacci made a motion to grant the variance, for seven units on site, subject to the final plan review of the Special Permit. The motion was seconded by Mr. Larson. The motion passed unanimously. (4-0-0)

V. PUBLIC HEARINGS:

1. 36-23 David Regan – Special Permit and/or Variance – 34 Briarwood Rd

Mr. Eacobacci read the advertisement in for the record.

Engineer, Dillion Brady was present for the applicant. He reviewed the project as a proposed garage on the property. He said they went before Conservation already.

Ms. DeBonise said it was hard to read the plans that were provided.

Mr. Eacobacci made a motion to close the hearing and was seconded by Mr. Semple. The motion passed unanimously.

Mr. Eacobacci made a motion to act as a Special Permit and was seconded by Mr. Larson. The motion passed unanimously. (5-0-0)

Motion: Mr. Eacobacci made a motion to grant the Special Permit with the standard conditions and a special condition to include the plans of record of June 4, 2023 which was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

2. 37-23 John Cook – Variance – 25 Lazy Harbor Road

Mr. Eacobacci read the advertisement in for the record.

Mr. Cook was present along with Mr. Bob Rogers, Field Engineering.

Mr. Cook explained the project of a 25x29 garage that can only be put on one spot on the property.

Mr. Eacobacci motioned to close the hearing and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

Motion: Mr. Eacobacci motioned to grant the variance meeting Chapter 84, Section 10 with standard conditions and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

3. 33-23 William Cooper – Variance – 11 Lake Avenue

Temple. The motion passed unanimously. (5-0-0).

VI. ANY OTHER BUSINESS/DISCUSSIONS

Discussion on the rules presented to the board. Mr. Eacobacci stated that he understood that the Planning Board would like more of these projects to go before them than the Zoning Board.

Mr. Buckland, explained article 14 & 15, needed to be rewritten. He said they took out any sections related to administration. He said it helps in the administration of permit applications that come before the board. He reviewed that when the board of appeals takes the site plan review, you would only go to one board vs two. He said that they may want to consider writing their own rules and regulations to control what happens with site plan review.

Ms. DeBonise explained there were other parts of the by-law that needed to be changed and they should also review that. She said they should be discussing things like this at meetings.

Mr. Eacobacci shared frustrations that some things should be approved administratively and not make people go through hoops to get something approved that perhaps is simple.

Mr. Buckland stated he would write up a draft for review at their next meeting.

VII. COMMENTS FROM BOARD MEMBERS

Mr. Semple made a motion to adjourn, which Mr. Eacobacci seconded. The motion passed unanimously. (5-0-0)

Date signed: 10-11-23
Attest: James D. Eacobacci

James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2023 OCT 16 AM 9:42