

Wareham Zoning Board of Appeals  
Wednesday, October 25, 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:** Chairperson, Nazih Elkallassi, Jim Eacobacci, Richard Semple, Veronica DeBonise and Troy Larson **Absent:** Jake Morrison and Veronica DeBonise

Building Commissioner, Paul Turner was present.  
Sonia Raposo was present from the Planning Office.  
Planning Director, Ken Buckland was on via Zoom.

**III. PRELIMINARY BUSINESS**

1. **Approval of Meeting Minutes: 10/11/2023** – Mr. Eacobacci motioned to approve as presented and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0)

2. **49-21 TJP Realty LLC – Insubstantial Modification Request – 14 Over Jordan**  
Attorney Morton requested to continue to November 8, 2023, in writing.

Mr. Eacobacci made a motion to continue 49-21 TJP Realty LLC per the applicant's request to November 8, 2023 which Mr. Semple seconded. The motion passed unanimously. (4-0-0)

**IV. CONTINUED PUBLIC HEARINGS:**

1. **34-23 Todd & Maria Delgado – Use Variance & Appeal – 3 Michael Drive** (Request to Withdraw without Prejudice Submitted 10.17.23)

Mr. Eacobacci made a motion to withdraw without prejudice per the applicant's request which Mr. Larson seconded. The motion passed unanimously. (4-0-0)

2. **41-23 Dorothy Pipher – Special Permit and Variance – 5 Cameron Street** (Request to Withdraw without Prejudice, submitted 10.23.23)

Mr. Eacobacci made a motion to withdraw without prejudice per the applicant's request and was seconded by Mr. Larson. The motion passed unanimously. (4-0-0)

## **V. PUBLIC HEARINGS:**

### **1. 42-23 David Barry – Variance – 3138 Cranberry Hwy**

Mr. Eacobacci read the advertisement in for the record.

Mr. Barry was present to speak on the sign that once said, “Lindsay’s Restaurant” replacing it with their restaurant logo. The plastic face is the only thing coming off.

Mr. Turner stated it was denied because of the size; Mr. Eacobacci stated it was an existing non-conforming.

Mr. Eacobacci motioned to close the public hearing and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

Mr. Eacobacci made a motion to grant the variance that meets the requirement to grant and was seconded by Mr. Larson. The motion passed unanimously. (4-0-0).

### **2. 43-23 Stephen & Dianne McDonough – Special Permit and/or Variance(s) – 24 Highland Bay Drive**

Mr. Eacobacci read the advertisement in for the record.

Bob Rogers of GAF Engineering was present on behalf of the homeowners, Stephen & Dianne McDonough, who were also present.

Mr. Rogers reviewed the plans which they currently have an extended wood deck which is 10x10, and they are proposing to make it 10x15 with stairs that go down to the waterfront. He said there is an existing concrete patio and retaining wall on the North side and would like to put a first-floor walk-out deck with a spiral staircase to the concrete patio. He said they have been to the Conservation Commission and got approval. He said they are asking for a Special Permit, non-conformance with the side and rear property line.

Mr. Turner explained the rear faces a new encroachment because of the steps; which he explained is a variance.

There were no questions from the board members. Mr. Elkallassi said it is a narrow lot, and the topography of the shape of the lot does create a hardship.

Carol St. Pierre, said she has no problem with anything they want to do.

Donna Soucy, said she has no problem with what the owners want to do.

Scott Shaver, says he lives diagonally from the owners. He said he was against the build because of the environment. He is concerned about being close to the waterfront and the erosion. He is also concerned about the wildlife in that area.

Mr. McDonough said he is the homeowner and he respects the previous speaker’s opinion but he knows he’s not going to do anything ‘stupid’ to hurt the environment in his own backyard.

Mr. Eacobacci motioned to close the public hearing and was seconded by Mr. Larson. The motion passed unanimously. (4-0-0).

Variance north end encroach setback and backside setback.

Mr. Eacobacci motioned to grant the variance on the north side setback as well as the backside setback, which meets the guidelines of MGL Chapter 40, Section 10. The motion was seconded by Mr. Larson and passed unanimously. (4-0-0).

## **VI. ANY OTHER BUSINESS/DISCUSSIONS**

### **1. Draft Rules and Regulations for Site Plan Reviews – Set Public Hearing Date**

Mr. Eacobacci motioned to set the public hearing date to December 13, 2023 and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

## **VII. COMMENTS FROM BOARD MEMBERS**

Mr. Elkallassi said they have been using the wrong zoning map from 2017, as it was never approved by legislation. He said they will deal with any fall-out if it comes before them in the future. Mr. Eacobacci agreed.

Mr. Elkallassi stated there would be no Zoning Board Meeting on November 22, 2023 because of the Thanksgiving holiday. Mr. Semple made a motion to advise there would be no meeting on November 22, 2023, and was seconded by Mr. Eacobacci. The motion passed unanimously. (4-0-0).

The next meeting would be on December 13, 2023

Mr. Semple made a motion to adjourn and was seconded by Troy Larson (4-0-0)

Date signed: 11-8-23  
Attest: James D. Eacobacci

James Eacobacci, Clerk  
WAREHAM ZONING BOARD OF APPEALS

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