

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

**Date of Meeting: January 27, 2021**

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

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

### **II. ROLL CALL**

Members Present: Nazih Elkallassi, Chairman  
Jim Eacobacci, Clerk  
Veronica Debonise, Member, entered at 6:33pm  
Jacob Morrison, Member  
Richard Semple, Associate Member  
Christopher Conti, Associate Member  
  
Kenneth Buckland, Town Planner

### **III. PRELIMINARY BUSINESS**

#### **1. Approve meeting minutes: October 14, 2020**

**MOTION: Mr. Eacobacci moves to accept the meeting minutes as presented. Mr. Semple seconds.**

**Vote (4-0-0)**

#### **2. 8-19 Lorea Land Trust c/o Nazih Elkallassi – Special Permit Extension Request – 11 Murphy Street – Map 50-B1, Lots 27-40**

Mr. Elkallassi asks to recuse himself because he is a GC on the job.

Mr. Eacobbacci states that he does not see an issue with the request for extending especially with Covid in place and everything coming to a halt. Asks if any of the members have any input.

Mr. Conti states he had done some research and noticed the Building Permit was active but expired July 20, 2020 and noticed that the Construction Supervisor License is also expired. He would not mind approving it, but would like to see it be updated.

Present Before the Board: Brian Grady, G.A.F. Engineering, Inc.

Mr. Grady states there has been some delays due to Covid. The owner of the project has some intentions of selling but it did not happen, so he is proceeding.

Mr. Conti questions all the outdated materials. Mr. Grady states Conservation is still valid, and nothing else really matters. There are two principal dwellings on this lot. The Special Permit process meets all of it and was granted under the zoning.

**MOTION: Mr. Conti moves to grant the extension with conditions. Ms. Debonise seconds.**

**Vote (5-0-0)**

#### **IV. PUBLIC HEARINGS**

##### **1. 38-20 Jeffrey P. Ghilani – Variance – 81 Paper Mill Road – Map 97, Lot 1037-A**

Present before the Board:

Jeffrey Ghilani, 81 Paper Mill Road

Mr. Ghilani states he is the owner and this is his primary residence. He mentions that he is proposing to construct a 60x120 garage and cleared all the setbacks except for a height issue. He states the lot is very unique, and he has put it as far back as possible. Mr. Ghilani shares the plans with the members of the Board and speaks in great detail about the construction and the aesthetics of the building. He simply does not want a flat roof and wants something that gives him more of a residential feeling. He does not want an industrial looking building.

Mr. Elkallassi asks the applicant what the purpose of the building is intended for and Mr. Ghilani states he has some collector cars, and its purpose is for a garage. He states there will be no parking and no business out of this location. He emphasizes again that he is trying to bury this building as far back as possible and has made some good faith efforts in doing so considering his lot is awkwardly shaped.

Mr. Ghilani mentions that both his abutters are on board with the project and has letters in the file from them.

Mr. Eacobacci asks the applicant how he would feel about a deed restriction and the applicant states although he isn't against it, he would like to see the details. Mr. Eacobacci what will he be doing in there that he needs so much height, and Mr. Ghilani speaks about ventilation purposes but likes the aesthetics of it and storage purposes. Mr. Eacobacci doesn't have any issues with it. Ms. Debonise thinks it is pretty large and does not see a hardship.

Mr. Morrison has no problem with it, and likes it. Mr. Semple also thinks it is a huge building and does not understand the need for it. He is concerned that it may be a commercial building. Mr. Elkallassi agrees with Ms. Debonise and isn't comfortable with it and checks with the public. No one present.

Mr. Eacobacci confirms there are two letters in favor of the project.

There are many questions from the members as to what the applicant is doing with this space.

Mr. Elkallassi suggest continuing the project because he personally is not ready to vote. The Board agrees.

**MOTION: Ms. Debonise moves to continue the Public Hearing to February 10, 2021.  
Mr. Conti seconds.**

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

**2. 39-20 Josh & Angela Howard c/o Coastal Life Companies, Inc. – Use Variance –  
10 Bog Iron Road – Map 13, Lot 101**

Present before the Board:

Ben Thomas, Coastal Life Companies, Inc

Mr. Thomas states he is representing Josh and Angela Howard. They are proposing an in-law addition for both Angelas' parents. He states that he has met the Howard family multiple times to go over the project and its multitude of needs. Angela's mother is fully wheelchair-bound and as she is getting older, they both believe it's wise to have her on site so that Angela can help her mother with her needs. Mr. Thomas mentions that he already has conservation approval.

He adds the proposed addition would be built to all ADA specs, a ramp leading inside the home, all appliances, sinks, shower etc. will be built with a wheelchair in mind.

Mr. Thomas continues to state that this addition is not intended in any manner a "for profit" addition, he mentions the sole use is to make family life for everyone easy and comfortable. He is seeking approval for this project, as it would make the home a great asset for both the applicants having the family so close.

Mr. Elkallassi states he did look at the property. He asked if Mr. Thomas could share the plans. They were hard to read.

The Architect shares the plans and goes over them with the Board in detail.

Conversation ensued regarding the project.

Mr. Elkallassi states he likes what the architect has done and he would like to add to the record that he would like this to be called an accessory apartment not an in-law apartment.

Ms. Debonise also likes the look of it and does not see any issues. Mr. Semple questions the two entrances but only sees one ramp. Mr. Elkallassi turns it over to Mr. Riquinha who says that only one is needed. Mr. Morrisson and Mr. Conti have no questions and think the projects looks great.

**MOTION: Mr. Eacobacci moves to close the Public Hearing. Mr. Semple seconds.**

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

**MOTION: Mr. Eacobacci moves to approve the plan as presented with standard  
conditios. Ms. Debonise seconds.**

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

**3. 40-20 Noreen Murray c/o G.A.F. Engineering, Inc. – Variance – 17 Evergreen Street – Map 2, Lot M272**

Present before the Board:

Noreen Murray, 17 Evergreen Street

Ms. Murray introduces herself as the applicant. She states the application was filed in response to a Notice of Violation issued by the Building Commissioner.

Present before the Board:

William Madden, G.A.F. Engineering Inc.

Mr. Madden states the applicants are looking for a Variance to permit a rear wood deck.

The property is located within the Onset Village and is a pre-existing, non-conforming lot with a single-family dwelling, wood deck and shed. He is requesting the Board grant relief for the Building Coverage maximum of 20%. The existing structure, deck and shed currently accounts for a building coverage of 20.3. Adding the newly constructed rear deck raises the building coverage to 32.5%, an increase of 12.2. He adds the lot coverage is consistent with many residences in the neighborhood.

Mr. Elkallassi asks the Commissioner regarding the specifics of the non-conformities and they discuss the rules in detail. The Board agrees it should be a Special Permit since they are extending the non-conforming structure.

Present before the Board:

Joni Paulo, 20 Evergreen Street

Ms. Paulo states she lives directly across the street and is in favor of the project.

Present before the Board:

Derek Marconi, 18 Evergreen Street

Mr. Marconi states he thinks it looks great and is in favor of the project.

After reviewing the plans, everyone agrees it should be treated as a Special Permit.

**MOTION: Mr. Eacobacci moves to close the Public Hearing. Mr. Conti seconds.**

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

**MOTION: Mr. Eacobacci moves to state that it is not detrimental to the neighborhood and it should be treated as a Special Permit. Mr. Conti seconds.**

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

**MOTION: Mr. Eacobacci moves to approve the plans as presented with standard conditions. Mr. Conti seconds.**

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

**4. 41-20 Cornelius Sullivan c/o G.A.F. Engineering, Inc. – Variance – 7 Groveland Street – Map 3 Lot 103**

Present before the Board:

William Madden, G.A.F. Engineering Inc.  
Conelius Sullivan, 7 Groveland Street

Mr. Madden States he respectfully submits on behalf of the applicant, Mr. Sullivan an application for a variance restriction. He mentions that an application has been made to construct a detached accessory structure at this location. The project will require a variance from the Board under Article 6, Table 625. Mr. Madden mentions that the property is located within the MR 30 and is a pre-existing, non-conforming lot with a single-family dwelling, and accessory garage. He adds that they are requesting the board grant relief from the building height requirement for accessory structures.

The garage structure above average finished grade is 25.0 feet to the ridge and 30.0 feet to the cupola peak.

He goes over the plans with the Board in full and answers all their questions.

He also states as indicated on the attached plan, the project is partially located on a wetland resource area identified as a coastal bank. He mentioned that two hearings were held with the Conservation Commission and the revised plan was submitted and approved. Given the sensitive nature of the location there is no ability to fill or alter the grading to raise the grade and adjacent ground, thereby reducing the overall building height.

Conversation ensued.

Mr. Elkallasi states Mr. Madden gave a great presentation but he doesn't think it meets the standards, however, Mr. Elkallasi adds, that if he attached it to the building with the breezeway he wouldn't need approval from the Board. The Chairman states he personally sees it as a separate apartment above the garage and he is not interested in doing it but he passes it on the Board for their input.

The Applicant further explains his hardship.

Mr. Elkallasi agrees he has a good hardship and Ms. Debonise likes his explanation would like to hear what the public has to say. Mr. Morrison and Mr. Eacobacci have no comments.

No public comments.

**MOTION: Mr. Eacobacci moves to close the Public hearing. Mr. Semple seconds.**

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

**MOTION: Mr. Eacobacci moves to grant the Variance. Mr. Semple seconds.**

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

## **V. CONTINUED PUBLIC HEARINGS**

### **1. 34-20 Zachary Letendre – Variance – 22 Weaver Street – Map 100 Lot 1039-B**

Present before the Board:

Zachary Letendre, 22 Weaver Street

Mr. Elkallasi starts by stating the Board received the letter from the Applicant. There was discussion regarding the Permits that were obtained by the applicant but not for all the work that had been done hence the violation.

He applicant reiterates the fact that he moved to Boston, and now he is back to Massachusetts and needs the space. The applicant is trying to work in good faith. He is renting out the home, and he is living in the garage. Mr. Elkallasi states he does not meet the criteria for a second dwelling. Ms. Debonise agrees, she states, this will create a line of people wanting to do the same thing.

No public comment.

The Board goes into deeper conversation regarding the project. Mr. Elkallasi mentions he can have electrical and plumbing but he cannot have a kitchen. Mr. Letendre explains he was young when he started all this, he did not try to cheat the Town, and he really did not understand the laws. He mentions, he does not have a place to live, if this does not qualify.

Mr. Morrison suggests to the Board they can always approve with a condition that all this goes away if the applicant one day decides to sell, and Mr. Elkallasi states, a Variance cannot be conditioned. Mr. Buckland states you can. Mr. Riquinha mentions you can, it is called, a Sunset Clause, it is a provision of a law that it will automatically be terminated after a fixed period unless it is extended by law. Board has decided the Planning Department will draft the decision and the Board will vote at the next Public Hearing.

**MOTION: Mr. Eacobacci moves to close the Public hearing. Mr. Morrison seconds.**

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

### **2. 26-20 Kevin Nickerson c/o Jilian Morton, Esq. – Variance – 3 Oakhill Road – Map 39 Lot T-5**

Present before the Board:

Jilian Morton, Esq. 184 Main Street

Attorney Morton states she has submitted revised plans. She explains there has been quite a bit of change. She apologizes for the delay but admits the applicants were dealing with Conservation. They are were proposing 2300 square feet but now with the revisions, they are only proposing, 1760 square feet F.A.R where 1500 is allowed. They are only seeking a variance of 268 square feet.

No public comments.

Board has no further questions. Lot is already conforming.

Conversation ensued. Brad from J. C Engineering answered some questions regarding the garage.

The Board has no further questions.

**MOTION: Mr. Eacobacci moves to close the Public hearing. Mr. Conti seconds.**

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

**MOTION: Mr. Eacobacci moves to grant the Variance with standard conditions. Mr. Morison seconds.**

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

**5. 36-20 Stephen A. Webby c/o Jilian Morton, Esq. – Variance – 5 Tyler Avenue-  
Map 15, Lot 1030**

Present before the Board:

Jilian Morton, Esq., 184 Main Street

Ms. Morton states there are revised plans but she does not believe they have been uploaded on to the Town website. The project is also in front of the Planning Board.

She understands that a full decision may not be ready tonight but she is looking for some feedback. She is looking to do a 3-family with an affordable unit and understands parking is a concern. A 2-family is also an option.

Ms. Debonise is not in favor of the project and Mr. Elkallassi agrees. Attorney Morton wants to discuss the matter with her client and asks for a continuance.

**MOTION: Mr. Eacobacci moves to continue the Public Hearing for February 10, 2021. Ms. Debonise seconds.**

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

**VI. ANY OTHER BUSINESS/DISCUSSIONS**

Mr. Eacobacci mentions we have received a resignation letter from a member, and we need to move one of our associate members to a member.

**I. ADJOURNMENT**

**MOTION: Mr. Eacobacci moves to adjourn. Mr. Morrison seconds.**

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

Date signed: 2-11-22

Attest: James D. Eacobacci  
James Eacobacci, Clerk

# WAREHAM ZONING BOARD OF APPEALS

WAREHAM TOWN CLERK  
2022 FEB 17 PM 3:40

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