

**Town of Wareham
Zoning Board of Appeals
Minutes – February 9, 2022**

I. CALL MEETING TO ORDER: Clerk/Acting Chair, Mr. Eacobacci opened the meeting at 6:35 p.m. The meeting was held via Zoom.

II. ROLL CALL: *Present:* Nazih Elkallassi, James Eacobacci, Veronica DeBonise, Richard Semple, and Troy Larson

Absent: Jacob Morrison

Assistant Planning Director, Aaron Shaheen was also in attendance.

III. PRELIMINARY BUSINESS:

1. Approval of Meeting Minutes – January 6, 2021, January 13, 2021, January 27, 2021, February 10, 2021, February 24, 2021, March 10, 2021, March 24, 2021

Mr. Semple made a Motion to approve the minutes as presented and was seconded by Mr. Larson. The Motion passed unanimously. (4-0-0).

2. 4-19 LDE Holdings, LLC - Request for Amendment to Special Permit – 6 Thatcher Lane – Map 108, Lot 10006Q-1 3. 26-20 Nickerson – Extension of Variance

Mr. Eacobacci tabled this request as no one was present at this time.

3. Oak Hill – Map 39, Lot T-5 4-19 4. with the fire department who asked they add that 6” line to the fire hydrant.

Attorney Jillian Morton was present for the applicant. She asked for an extension and nothing has changed as far as plans. She said he planned to break ground by end of March.

Ms. DeBonise made a Motion to grant the extension and was seconded by Mr. Semple. The Motion passed unanimously via roll call. (4-0-0)

4. Solar Bylaw Committee – Appoint New Member

Mr. Eacobacci stated Chris Contois was on the Solar Bylaw Committee and so we need someone in his place. He said the Committee usually meets an hour and a half before the ZBA and asked for a volunteer. Mr. Eacobacci stated he would continue to attend but report to the Planner that either himself or Mr. Elkallassi would attend.

Ms. DeBonise asked when the Solar Bylaw Committee was formed, was there an end date or its purpose.

Mr. Eacobacci stated that the bylaw was voted on at a Town Meeting to regulate large solar fields, perhaps around six months. He said they are struggling to polish the bylaw. He doesn't believe there is an end in sight, but they are trying to write the bylaw to get on the Town Meeting floor this year.

Mr. Eacobacci stated the ZBA member on this committee is informational only and a non-voting member.

Ms. DeBonise said she would attend the next meeting to observe. Mr. Semple agreed to say that perhaps they could all rotate in attending. Mr. Eacobacci stated he will attend still for consistency and if Ms. DeBonise wants to take over that would be great.

IV. CONTINUED PUBLIC HEARINGS: None.

V. PUBLIC HEARINGS:

1. 2-22 CNS Home Solutions – Special Permit – 459 Main Street – Map 61, Lot 1022 (WB1 Zoning District)

The Planning Office read the advertisement for the record.

Attorney Rob Pelligrini was in attendance also Kyle Cabral (applicant, CNS was in attendance).

Mr. Pelligrini stated they applied for a Special Permit to add a one-bedroom unit on the main floor of 459 Main Street. They are also proposing to bring the number of parking into compliance, which is four parking spaces, and proposing ten spaces (only need 9.5).

Mr. Pelligrini outlined that they are taking half of the unit to add the one bedroom. They were told this needs a Special Permit because they are in a WB1 District. There is no visible change to the area. They are improving the parking spaces. It would go from a 4 unit to a 5 unit. Appropriate residents. No nuisance. It conforms to all the areas of the Zoning Bylaw. Proposing just a one-bedroom, one-unit.

Mr. Eacobacci asked where physically the address is located near CVS on Main Street.

Mr. Cabral stated identified directional where the address was located on Main Street.

The Planning Department shared the screen with overview pictures of the property.

Mr. Cabral stated there were two main egresses and that the back side was to grade.

Ms. DeBonise stated the Attorney said there would be no changes, however, to make new parking spaces there would be a few changes.

Attorney Pelligrini stated yes there will be a few changes to the parking spaces.

Mr. Semple asked if the Sewer Commission needed to be involved with the increase in a one-bedroom unit.

Mr. Shaheen in the Planning Department, said when they go to the commission they would advise what is needed.

Ms. DeBonise asked about the ten parking spaces and if that needs to be reviewed.

Aaron stated he spoke to Mr. Riquinha, Building Commissioner who said they don't need a Plan review of the parking spaces, as they only need 9.5 parking spaces and they are providing ten.

Ms. DeBonise asked what the parking spaces are going to look like.

Attorney Pelligrini said the parking is proposed to be gravel. He said they were trying to improve the parking lot. He said the people he spoke to in Town said they'd be okay with gravel.

Mr. Eacobacci stated that gravel is not uncommon and encouraged by Conservation.

Ms. DeBonise asked about the wetlands and flood zone and how that was going to meet the requirements.

Attorney Pelligrini said he brought that concern as well. He said the upper right-hand corner, the engineer brought out the 30' buffer on the plans and they are outside of the buffer zone. He said if they were building a structure they would have to go to Conservation. He was told that they didn't need to go to Conservation. Mr. Pelligrini stated the backyard is grass currently and overgrowth.

Ms. DeBonise said she wasn't clear with the drainage of the parking area. She said it looks like a potential water issue on the property.

Mr. Pelligrini stated it was pervasive and no runoff would be added to what's already there. He said only to be added would be gravel which wouldn't add any additional runoff to the property. He said that the gravel would do better at slowing down the water than just grass.

Mr. Eacobacci explained that ten parking spaces require the conversation, if it was only nine parking spaces they may not be having this conversation.

Ms. DeBonise said not really. She said this project is a Special Permit that requires five votes. She said if there were no wetlands and flood zones close to the property there wouldn't be a concern. Ms. DeBonise said she would like someone to review it for the wetland/flood zone concern.

Mr. Cabral explained where the overgrown area is on the property. He said that people are already utilizing the space for parking. He said they would be ripping up the ground and putting gravel down. He said this is an improvement to the space. He said the change is to cut down the brush and put down gravel.

Mr. Pelligrini suggested they have the engineer put a letter together to manage the concern rather than float over it. He asked for a continuance to the next hearing.

Mr. Eacobacci asked the applicant to have their Conservation Commissioner review it. He asked Aaron to coordinate that for the ZBA; so that when they return with a letter they know that the agent has also reviewed it.

Mr. Eacobacci asked for any public comment. There was none.

Ms. DeBonise made a Motion to have the office coordinate with the Conservation agent for review and then to continue this Special Permit to the next ZBA meeting on February 23, 2022, at 6:30 p.m. and was seconded by Mr. Semple. The Motion passed unanimously.

2. 3-22 Bessey – Variance – 2262 Cranberry Hwy – Map 104, Lot 1004

The Planning Office read the advertisement for the record.

Mr. Ecobacci opened the Public Hearing for 2262 Cranberry Hwy.

Ms. Janet Bessey stated she was building a structure, a three-car garage with a two-bedroom, two-bath unit over the garage. She said the original house was built in 1860 and the back of the home was a two-car garage that was turned into a family room. She said to connect it they are going to build a pergola type of unit, so Ms. Besse would be able to walk from her garage bay to her mudroom.

The board reviewed conceptual renderings of the proposed garage.

Mr. Ecobacci opened it up for questions

Ms. DeBonise asked for clarification of the variance. She said that the letter from the Building Commissioner reflected an accessory apartment if attached, but to her, it looks like an attachment. Ms. DeBonise asked for clarification.

James with Longfellow Design Build was on the Zoom call. He said they had a zoom meeting with the building commissioner. James said that Mr. Riquinha said that even though connected by a pergola it is considered a detached structure because there is no habitable space between the two spaces. James said he was already confused as he thought it was going to be a Special Permit, but the building commissioner said it would be a variance.

Mr. Eacobacci turned it over to the board for any questions.

Mr. Larson had no comments or concerns. Mr. Semple also had no additional concerns.

Ms. DeBonise said she believes there is a hardship in the current layout of the house in existence. She said she had no further concerns.

Mr. Eacobacci opened it up for public comment, there was none.

Mr. Semple made a Motion to close the Public Hearing and was seconded by Ms. DeBonise. The Motion passed unanimously by roll call vote. (4-0-0).

Mr. Semple made a Motion in favor of granting the variance with standard conditions and was seconded by Mr. Larson. The Motion passed unanimously via roll call vote. (4-0-0).

VI. ANY OTHER BUSINESS/DISCUSSIONS:

Ms. DeBonise reminded Mr. Eacobacci to unstable 4-19 LDE Holdings.

Mr. Shaheen advised that he believes this will be on the next agenda and no motion to continue had to take place.

Zoning Law Amendment

Mr. Shaheen in the Planning Department stated that Mr. Buckland wanted it on the agenda in case ZBA wanted any changes to the Zoning Law Amendments.

Ms. DeBonise said she was reviewing her notes for the zoning law amendments; she said she would speak to Ken directly.

Mr. Semple made a Motion to adjourn and was seconded by Ms. DeBonise. The Motion passed unanimously via roll call vote. (4-0).

Respectively,

Patricia A. Pacella
Recording Secretary

Date signed: 7-13-2022

Attest: James D. Eacobacci
James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
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