

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

**Date of Meeting: February 10, 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 6:37pm  
Jacob Morrison, Member  
Richard Semple, Associate Member  
Christopher Conti, Associate Member  
  
Kenneth Buckland, Town Planner  
Charles Rowley, Independent Consultant Town Engineer

### **III. PRELIMINARY BUSINESS**

#### **1. Approve meeting minutes: October 28, 2020**

No meeting minutes available

#### **2. 34-20 Zachary Letendre – Discussion and Vote – Variance – 22 Weaver Street – Map 100 Lot 1039-B**

**MOTION: Mr. Eacobacci moves to accept the decision as drafted by the Town Planner discussed at the last meeting. Mr. Semple seconds.**

**VOTE: (4-1-0) Mr. Elkallassi denied**

### **IV. PUBLIC HEARINGS**

#### **1. 1-21 Paul & Deborah Yeaman – Variance – 28 Bay Street – Map 3, Lot 88**

Present before the Board: Sam Iamele, Project Engineer, J.C. Engineer, Inc.  
Paul and Deborah Yeaman, 28 Bay Street

The applicants engineer states that they are proposing construction of a 16' x 24' Single-story addition to an existing single-family dwelling.

He states that the property contains 4515 ft.<sup>2</sup> of land which is considered a pre-existing, non-conforming lot in this zoning district. Minimum lot area and building setback requirements as specified in the zoning bylaw is 30,000 ft.<sup>2</sup> of land area with 20 feet minimum setback from the front and 10 feet minimum set back from the side and rear of property lines.

Mr. Iamele adds as outlined in the zoning bylaws, the board shall find that the literal enforcement of the by-law would create a hardship and would not allow the construction of this addition and for this reason he feels that the construction of the addition to an existing single-family dwelling well neither substantially create a non-conforming nature of the structure, nor be substantially more detrimental to the neighborhood.

Mr. Elkallassi asks the Board for their input. Mr. Conti asks the Engineer some questions regarding the distance regarding the garage and the house. No other members have any other questions and state they are okay with the project.

Mr. Elkallassi asks if there is anyone in the public either in favor or against the matter and there is also no input.

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

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

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

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

**V. CONTINUED PUBLIC HEARINGS**

**1. 22-20 Frederick Mannix – Variance & Site Plan Review – 238 & 240 Sandwich Road – Map 133, Lot(s) 1100A & 1101A**

Present before the Board:

Jilian Morton, Esq., 184 Main Street

Attorney Morton states she is seeking a continuance because her client was unable to attend due to getting the Covid vaccine and feeling sick.

**MOTION: Mr. Eacobacci moves to continue the Public Hearing for March 24, 2021. Mr. Semple seconds.**

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

**2. 36-20 Stephen A. Webby c/o Jillian Morton, Esq. – Variance – 5 Tyler Avenue- Map 15, Lot 1030**

Present before the Board:

Jilian Morton, Esq., 184 Main Street

Attorney Morton is seeking a continuance. She states she has pulled the application from the Planning Board since they have decided against the three-family and are proceeding with the two-family option. Preliminary Plans are in motion but are not completely ready to submit.

**MOTION: Mr. Eacobacci moves to continue the Public Hearing for February 24, 2021. Mr. Semple seconds.**

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

**3. 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 has nothing further to add since the last time he met with the Board two weeks prior. He states his situation is not a matter of life or death as it is more of a matter of functionality.

Mr. Conti states he drove by and gave it some additional thought. He thinks the building is very large but understands aesthetically it will look better with a peak roof but he does not see a hardship and has no additional comments.

Mr. Ghilani states the peak roof will also help with snow run off where the flat roof makes him nervous.

Mr. Elkallassi weighs in on specifics and clearly states he is not in favor of the project for obvious reasons. Mr. Eacobacci understands why he wants the peak but also is in fear of the future if the house is sold and what can be done with a building of that size and the ability to use it as an industrial set up.

Ms. Debonise doesn't think it fits in the area it's in and suggests downsizing.

Mr. Morrison had no input. Although Mr. Semple isn't voting he weighed in and stated, he didn't see anything wrong with what Mr. Ghilani was looking to do other than building his dream garage. He also feels that the fact that the abutters are in favor and the fact the building is pushed back and he should get what he wants.

Mr. Ghilani states he is simply asking for a 6ft height variance.

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

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

**MOTION: Mr. Eacobacci moves to grant a variance for an additional 6ft in height for the building as requested. Mr. Morrison seconds.**

**VOTE: (4-1-0) Ms. Debonise denied**

**VI. ANY OTHER BUSINESS/DISCUSSIONS**

**I. ADJOURNMENT**

**MOTION: Mr. Eacobacci moves to adjourn. Ms. Debonise seconds.**

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

Date signed: 2-22-22

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

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

WAREHAM TOWN CLERK  
2022 FEB 24 PM 5:27