

**Town of Wareham  
Zoning Board of Appeals  
Minutes – February 12, 2020**

- I. **CALL MEETING TO ORDER:** Chairperson, Nazih Elkallassi opened the meeting at 6:30 pm via Zoom.
- II. **ROLL CALL:** Present: Chairman, Nazih Elkallassi, Clerk, James Eacobacci, Mr. Jacob Morrison

**Absent:**

Planning Director, Ken Buckland was also in attendance.

III. **PRELIMINARY BUSINESS:**

1. **Approve Minutes: January 22, 2020:** None at this time

IV. **PUBLIC HEARINGS:**

1. **49-19 3067 Cranberry Highway, LLC -3067 Cranberry Hwy-Special Permit/Variance/Site Plan**

Applicants requested a continuance.

Mr. Eacobacci made a Motion to continue to February 26, 2020, and was seconded by Mr. Morrison. The Motion passed unanimously.

Mr. Elkallassi stated that there were only four members present and anyone who is attending tonight that wants to be heard by five members can ask for a continuance.

2. **1-20 Poyant Signs – 1 Seth F. Tobey Road – Variance**

Gary from Poyant Signs was present and he stated the client didn't have the requirements to prove a hardship at this time. He said they would like to withdraw without prejudice.

Mr. Eacobacci made a Motion to withdraw 1-20 Poyant Signs without prejudice per the Applicant's request and was seconded by Ms. DeBonise. The Motion passed unanimously.

3. **2-20 Jacalyn & Philip Roberts – 14 Evergreen Street – Special Permit**

Mr. Buckland read the advertisement for the record. Mr. Elkallassi opened the public hearing.

Mr. and Mrs. Roberts were present along with Bill Lockwood from Lockwood Architects.

Mr. Lockwood stated they are proposing an addition to an undersized lot. He said they stand more than floor ratio as well as lot coverage. He said they tend to have minimal impact and they will be going to Conservation Commission in the future. He said they want to build a one-hundred and three square feet addition; to put a second bedroom on the second floor.

Mr. Elkallassi stated they were existing non-conforming for an addition and a second floor.

Ms. DeBonise asked about the height of the addition.

Mr. Lockwood stated it would come down from the existing peak. He said on the left side of the property is nine feet that houses their washer and dryer, but even that is in the doorway.

Mr. Eacobacci asked about the opposite side, how many square feet are they proposing to extend the non-conformity.

Mr. Lockwood said ninety-four square feet on the first floor.

Mr. Morrison had no questions at this time.

Mr. Buckland quoted which bylaw they would have to follow to determine if it's a Special Permit or Variance.

Ms. Roberts stated they wanted to add on as they get older they want to be able to sleep on the first floor.

Mr. Elkallassi made a Motion to close the Public Hearing and was seconded by Mr. Eacobacci. The Motion passed unanimously.

Mr. Eacobacci made a motion to grant the Special Permit and was seconded by Mr. Morrison. The motion passed unanimously.

Mr. Eacobacci made a Motion to grant the Special Permit for 2-20, 14 Evergreen Street with dated plans as of November 20, 2019, prepared by Lockwood Architects with standard conditions. The motion was seconded by Mr. Morrison and passed unanimously. (4-0-0)

#### **4. 3-20 Lucky Goat Brewing, LLC – 379 Main Street – Special Permit and/or Variance**

Mr. Buckland read the advertisement in for the record and Mr. Elkallassi opened the public hearing.

Mr. Lockwood was also present for Lucky Goat Brewing, LLC. Caitlin Perry, Aaron Perry, and Ken P.

Mr. Lockwood stated the property is currently vacant in the Center of Wareham. He said they'd like to put in a brewery. They are not proposing significant changes outside of the building. They will upgrade the patio and update the stairs that are currently not compliant. He said the taproom will accommodate 34 people and approximately the same out front. There is no food service proposed but they may bring in food trucks to visit the site periodically. He shared a revised set of plans for the floor plan. He said 3.20 does not allow a brewery. He said there are a variety of uses on this property.

Mr. Elkallassi stated that the used car lot was approved by the Planning Board. And he asked what site was approved.

Mr. Lockwood said it was the building in the rear.

Mr. Perry said that they would be using the adjacent building for the car lot.

Mr. Elkallassi stated that GIF did the plans and it looks like they weren't updated.

Mr. Buckland stated he suggested they deal with the variance and let Planning Board deal with the Special Permit.

Discussion of how many parking spaces were needed. Mr. Lockwood stated he thought it was eight. He said there were forty-five seats inside, so that needs nine parking spaces.

Mr. Elkallassi said they need nine spaces and a handicap space. He said they can't go forward on the site plan; they would talk first about the use variance.

Ms. DeBonise asked what the hardship would be for a variance.

Mr. Elkallassi stated they have to decide if it's the right type of business for the neighborhood.

Mr. Eacobacci gave his opinion on what a factory is. He says when thinking about a brewery, he thinks of cooking. He questions the word "factory" as was used by the Building Commissioner. He said he doesn't consider a brewery as a factory.

Mr. Buckland said the use is no longer protected because it's been vacant for more than two years.

Ms. DeBonise said she was reading from the WB-1 bylaw, that food and beverage is not allowed use. She said however, it was a fish market, so it was used in that matter.

Mr. Buckland stated they want to find if the use is proposed to be at the location. He said the relief can be granted.

Mr. Morrison had no comments.

Mr. Elkallassi opened it up for public comment. There was none.

Mr. Eacobacci stated he was still hung up on the 'use'. He said he was trying to figure out what a 'recreational' use is exactly.

Mr. Eacobacci made a motion to grant the use variance and Mr. Morrison second. The motion passed unanimously. (4-0-0)

Mr. Elkallassi stated that before they go forward, they need to modify the site plan. He said they cannot have parking shared with another business. He said they would like to hear from the Water Department as well. And they need to discuss it with the Sewer department as well.

Mr. Perry said it's mostly organic products.

Mr. Lockwood stated they have applied to the Building Department as it is a restaurant. He said the fire department is reviewing the project.

Ms. DeBonise had no comment. Mr. Eacobacci said that the Planning Board needs to get involved with the parking issue of the used car sales lot and the brewery. Mr. Morrison had no additional comments.

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

Mr. Eacobacci made a Motion to continue to February 26, 2022 and was seconded by Mr. Morrison. The Motion passed unanimously. (4-0-0)

**V. CONTINUED PUBLIC HEARINGS:**

**1. 20-19 Coastal Cultivars – 0 Patterson Brook Road – Special Permit**

Donald Mag., Ben Smith, from Coastal Cultivars and Brian Grady from GIF were present. Mr. Donald stated that they were provided with new site plans and should address comments from the Fire Marshall. He said they had received a letter from the Town Engineer and discussed those concerns at the last meeting.

Mr. Buckland stated he spoke to Mr. Rowley and he reviewed the new plans and was all set with it. He said that the Planning Board has approved the cul-de-sac with a surety before construction.

Mr. Elkallassi asked for public comment there was none. No further comment from the board members.

Mr. Eacobacci made a Motion to close the public hearing and was seconded by Mr. Morrison. The Motion passed unanimously. (4-0-0)

Mr. Buckland gave the applicant and the board members a draft decision for review.

Mr. Grady had some changes on the draft decision. He said #3 and #7 was not applicable. He said #9a, shows inspection of hay bales, he said they can call it construction fencing. And the rest they were fine with.

Mr. Eacobacci made a motion to grant the Special Permit, 20-19 Coastal Cultivars as per the conditions stated and the revised plans dated January 20, 2020 and was seconded by Mr. Morrison. The Motion passed unanimously. (4-0-0).

**2. 46-19 Neighborhood Restorations, LLC – 259 Park Avenue – Special Permit or Variance**

Frank Westgate stated he did the site work for the project.

Neighborhood Restorations stated there was a huge gaping hole in the roof and they wanted to repair it.

Mr. Westgate reminded the board what the case was about. He said they gave a 'note' on the plans to what they wanted to do. He said they'd like to provide the architectural plans to the building department for the permit.

Mr. Elkallassi asked if they wanted to use the existing foundation.

Mr. Westgate stated they wanted to use the same foundation and the same footprint.

Ms. DeBonise had no questions.

Mr. Eacobacci stated they were looking for a Special Permit as it's non-conformity, but they are going to increase going up so it is not adding to the non-conformity, as they are staying in the same footprint.

Mr. Elkallassi asked for public comment, there was none.

Mr. Eacobacci made a motion to close the public hearing and it was seconded by Mr. Morrison. The Motion passed unanimously. (4-0-0).

Mr. Eacobacci made a motion to act as a Special Permit and was seconded by Mr. Morrison. The Motion passed unanimously. (4-0-0).

Mr. Eacobacci made a motion to grant the Special Permit for 46-19 Neighborhood Restorations, LLC with standard conditions and it not being detrimental to the neighborhood. The Motion was seconded by Mr. Morrison and passed unanimously. (4-0-0).

### **3. 47-19 Signarama Worcester – 45 Sandwich Road – Variance**

Mr. Wood requested a continuance as he wanted to be heard by a body of five board members.

Mr. Eacobacci made a Motion to continue to February 26, 2020 and was seconded by Mr. Morrison. The Motion passed unanimously. (4-0-0).

### **4. 48-19 Ann & Anthony Antonellis – 0 Old Onset Road – Special Permit or Variance**

Ann Antonellis and Brian Grady from GIF Engineering was present.

Mr. Elkallassi stated they were looking for a frontage variance.

Mr. Grady stated to create a new layout of the street at the property. He said they would request construction waivers. He said in essence it becomes a corner lot. He said the plan shows 150' on the new plan for frontage. He said this would require Pthe lanning Board and thousands of dollars. He said if they grant the variance tonight, that would be great.

Mr. Elkallassi asked about the right-of-way that was discussed by an abutter.

Mr. Grady said he did review the deeds and the easements that are in the back of the property. He said there is no reserve right-away on the subject property.

Mr. Elkallassi said he doesn't want to open a can of worms by granting the variance. He suggested they go to Planning Board for the lay out for the driveway.

Mr. Grady asked to withdraw without prejudice.

Mr. Eacobacci made a Motion to withdraw without prejudice, per the applicants request and was seconded by Mr. Morrison seconded. The Motion passed unanimously. (4-0-0)

Mr. Eacobacci made a Motion to adjourn and was seconded by Mr. Morrison. The Motion passed unanimously.

Respectively,  
Patricia A Pacella

Date signed: 7-27-2022

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

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

WAREHAM TOWN CLERK  
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