

**Town of Wareham
Zoning Board of Appeals Minutes
February 23, 2022**

- I. **CALL MEETING TO ORDER:** Chairman, Mr. Elkallassi opened the meeting at 6:30 p.m. via Zoom.
- II. **ROLL CALL:** Present: Chairman, Nazih Elkallassi, Clerk, James Eacobacci, Jacob Morrison, Richard Semple, Troy Larson, and Veronica DeBonise (arrived at 6:32 pm)

Assistant Planning Director, Aaron Shaheen was also in attendance.

III. **PRELIMINARY BUSINESS:**

1. **Approval of Meeting Minutes** – April 14, 2021, April 28, 2021, May 12, 2021, May 26, 2021, August 11, 2021, August 25, 2021

Mr. Eacobacci stated the minutes have been being sent to him for review. Mr. Eacobacci made a Motion to accept the minutes as was presented and was seconded by Mr. Semple. The Motion passed unanimously via roll call vote (4-0).

**2. 4-19 LDE Holdings, LLC - Request for Amendment to Special Permit – 6
Thatcher Lane – Map 108, Lot 10006Q-1**

Mr. Shaheen stated they should be attending this meeting tonight. The case was tabled. There was no one present to speak on this project.

Mr. Semple asked if there was a miscommunication as this is the second time they have been a no-show.

Mr. Shaheen stated they have an A host agreement for marijuana from the state and have a request to modify their Special Permit, as they want to add a change to two of their parking spots as courier spots. He said there was a miscommunication at the last meeting.

Mr. Elkallassi stated they didn't need to be there as it was a minor change. He said this is a marijuana dispensary in Wareham Industrial Park. He said he didn't think it was a minor and he believed they should be more careful in just granting the change without them present.

Mr. Semple stated he felt it was a major change and board members agreed.

Mr. Elkallassi stated if they want to proceed they need to come back

3. Solar Bylaw Committee – Appoint New Member

Mr. Semple made a Motion to appoint Mr. Eacobacci as the Solar Bylaw Committee member and was seconded by Ms. DeBonise. The motion passed unanimously via roll call vote. (5-0).

IV. CONTINUED PUBLIC HEARINGS:

1. 2-22 CNS Home Solutions – Special Permit – 459 Main Street – Map 61, Lot 1022
(Continued to 3/23/22 Pending Conservation Review)

Mr. Semple made a motion to continue 2-22 CNS Home Solutions to March 23, 2022, pending Conservation Review per the applicant's request. The Motion was seconded by Mr. Eacobacci and passed unanimously via roll call vote (5-0).

V. PUBLIC HEARINGS:

1. 4-22 David Spillane – Variance -31 Agawam Lake Shore Drive – Map 129/A, Lot 101

Mr. Shaheen read the advertisement for the record.

Mr. Elkallassi asked if the house was built.

Mr. David Spillane was on the call via Zoom and stated the house is built but not completed renovated inside. He did say that he had a building permit for the house. He introduced his engineer, Brian Grady to speak on his behalf.

Mr. Grady shared his screen and explained the project. He said the plan shows the proper setback of 10'. He stated the lot size is 5400 sq feet with a modest home on the lot. He said there are a lot of constraints to the lot. He said they are asking for a variance for the entrance to the side of the home (instead of the front), but it will be at 6' versus the 10' required setback for a covered stairway. He stated the resident to the North has been notified and spoke to David Spillane and had no objection. He said in their packet should be an email from the abutter with no objection.

Mr. Semple stated he went by the job and thought the 10' was not met on the left side.

Mr. Grady stated that it was only the covered stairway that didn't meet the 10' setback. He said that it meets the required 10' setback all the way around.

Mr. Elkallassi stated they are seeking a variance because of the odd shape of the lot. He opened it up to the Board members for discussion.

Ms. Debonise said she had no comments or concerns at this time. Mr. Morrison stated he had no comments at this time. Mr. Eacobacci also stated he was familiar with the land and had no concerns.

Mr. Elkallassi said he didn't understand why the Building Inspector sent him for a variance because they had previously pre-existing conditions on the lot.

Mr. Elkallassi opened it up to any public comments. He did say he had a letter from Steven King who was in favor of the project.

Ms. DeBonise said she read the documents and had no concern as there was a hardship per the lot shape.

Mr. Semple stated he was all set.

Mr. Eacobacci made a Motion to close the public hearing and was seconded by Ms. DeBonise. The Motion passed unanimously via roll call vote. (5-0).

Mr. Eacobacci made a Motion to grant the variance as it meets the regulations under Chapter 40A, Section 10 for hardship relief to the shape of the lot. The Motion was seconded by Ms. DeBonise. The Motion passed with one abstaining, Mr. Semple. (4-0-1)

2. 5-22 James V. Kilroe – Special Permit/Variance – 84 Parkwood Drive – Map 38, Lot 3

Mr. Shaheen read the advertisement for the record.

Mr. Eacobacci requested to recuse himself at this time. Mr. Elkallassi stated associate member, Troy Larson would be voting in this matter.

Robert Toledo, Engineer was present on behalf of the applicant. He shared his screen to show a 2-story dwelling connected with a half a story garage, and a close cabinet space between the two structures. Mr. Toledo stated that Mr. Kilroe wanted to add access from the second-floor home to the second floor of the garage. He said they are proposing to raise the roof adding 13x16'; 209 square feet added to the property. He said the house is 6600 sq feet, 47% floor area presently; which the regulations state no more than 25%. He said the proposed 209 square feet adds approximately 3.1% sq feet total which they feel is pretty minimal to the lot. Mr. Toledo shared pictures of the existing home and garage.

Mr. Elkallassi stated this is a case of a non-conforming lot with a structure on it. He said if the Board feels that it is detrimental to the neighbors then they would act on it as a Variance; if not detrimental it would be considered a Special Permit. He then opened it up to the Board members for their comments and/or concerns.

Mr. Semple stated he went by the project to review it and said he is absolutely fine with it. Mr. Lawson and Mr. Morrison both stated they had no comments and/or concerns.

Ms. DeBonise asked what was up in the garage currently.

Mr. Toledo stated it was a family room currently. He said they would be providing a hallway and a space that connects the two-second floors.

Mr. Elkallassi stated they would be only adding 3.1% to the square foot of the house. He then opened it up for public comment, there was none.

Mr. Toledo stated all setbacks are met, it's just the floor ratio.

Ms. DeBonise made a Motion to close the public hearing and was seconded by Mr. Semple. The Motion passed unanimously via roll call vote. (5-0).

Ms. DeBonise made a Motion to grant 5-22 James V. Kilroe, 84 Parkwood Drive as a Special Permit as it was not determinantal to the neighborhood and Mr. Semple seconded it. The Motion passed unanimously via roll call vote. (5-0).

Mr. Semple made a Motion to add the standard conditions to the Special Permit for plans submitted dated January 19, 2022, and was seconded by Ms. DeBonise. The Motion passed unanimously via roll call vote. (5-0).

VI. ANY OTHER BUSINESS/DISCUSSIONS:

1. Zoning Bylaw Amendments

Under discussions, Mr. Elkallassi stated that Mr. Grasso was on the zoom call and wanted to discuss 1 Rae Avenue, LLC. Mr. Grasso stated he was granted a Special Permit two years ago and was requesting a year extension.

Mr. Elkallassi stated he remembers it took a while, even though they started the hearing in 2018 it wasn't approved until 2019 or 2020. He asked the Board Members if they had any questions

Mr. Semple and Mr. Larson stated they were both all set.

Ms. DeBonise asked what the reason is for the extension.

Mr. Grasso stated, 'Covid.'

There were no additional concerns from board members. Mr. Elkallassi stated he would only be in favor of granting the extension for one year.

Ms. DeBonise made a Motion to grant a one year, and only one year for 1 Rae Avenue, Grasso, and was seconded by Mr. Larson. The Motion passed unanimously via roll call vote. (5-0-0).

Mr. Aaron Shaheen stated he has two applications to process. He asked if the Board members wanted to go back to in-person or via zoom. He stated it was up to the board and also they could have a hybrid meeting.

Mr. Morrison said he would be back in Town beginning of April. Mr. Shaheen stated the first meeting in April is April 13, 2022, and the board members stated that would be fine to go back to in-person meetings as of that date.

Ms. DeBonise stated that she thinks for the public it's good to be in-person, but the zoom is more convenient. She asked about hybrid.

Mr. Elkallassi stated in-person is better for communication and referring to plans that work better. All agreed they would be back in person on April 13, 2022.

Mr. Shaheen also reminded the Board that the zoning amendment changes are coming up for Town Meeting and if there were any changes to forward to him or Mr. Buckland

Mr. Elkallassi stated he had a few text amendments and will bring them up at their next meeting.

Ms. DeBonise asked about the barn that was just recently approved and asked about the terms of defining the by-law. Mr. Elkallassi stated he would review. He said he would like an attorney to be hired to re-write bylaws but he knows the Town won't do that as it is expensive. He said it's trial and error to rewrite bylaws.

Discussion ensued about the writing of the zoning by-laws.

Ms. DeBonise made a Motion to adjourn and was seconded by Mr. Semple. The Motion passed unanimously via roll call vote. (5-0-0).

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
2022 JUL 14 PM 1:12