

MINUTES OF MEETING OF WAREHAM ZONING BOARD

Date of Meeting: March 8, 2023

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members present: Nazih Elkallassi, Chairman (~~via Zoom~~ in person *JE* .
Jim Eacobacci, Acting Chairman this evening.
Veronica DeBonise
Troy Larson (~~via Zoom~~ Zoom *JE* .
Richard Semple

Absent: Mr. Morrison

Kenneth Buckland, Town Planner was also in attendance.
Jonathan Dickerson, Assistant Town Planner was also present.

III. PRELIMINARY BUSINESS

A. Meeting Minutes – February 22, 2023

MOTION: Mr. Eacobacci moves to approve the minutes for February 8, 2023. Mr. Larson seconded. Passed unanimously. (5-0-0)

IV. CONTINUED PUBLIC HEARINGS

A. 1-23 Rony's Realty, LLC – Special Permit – 3178 Cranberry Hwy. – Map 9, Lot(s) W19, W20, W24, W25

Present before the Board: Engineer, Bill Madden and Attorney, Jillian Morton

Mr. Eacobacci took over as Chairman, as he had begun the hearing previously.

Ms. Morton reviewed the last time they were present, and she reviewed the project regarding the site plan review. She said they are under the 10-parking unit, and previous discussion was had that site plan review was needed for this lot.

Mr. Madden passed out information to the by-law. He reviewed the by-law that stated 'other than', stating that a site plan review was unnecessary for this lot. Mr. Madden stated they would be using two service bays for motor vehicles and the office building for an office. He said they needed a total of six vehicle parking spots. He explained where the handicap ramp would be. He explained the storm-water management plan.

Attorney Morton stated there would be two employees present. She said the hours proposed is Monday thru Saturday, 8 a.m. to 6 p.m. They explained one bay would be auto repairs and one inspection bay, if one is available.

Mr. Madden reviewed the signage and advised there would be no lighting on the building except for above the garage door and pass door of the office. He said they are on Town Sewer and Town Water. He said there is no vehicle washing on premises, it is considered a 'dry' shop. He stated a dumpster would be present on an 8x8 pad, enclosed. He said that Wedgewood Way and Wedgwood Place are privately owned roads.

Attorney Morton stated they needed to be present for a Special Permit for the use per the Building Commissioner, Mr. Turner.

Mr. Eacobacci opened it up for the board to comment.

Ms. DeBonise said the first letter was for the U-haul business, but she wanted to clarify they are not doing that. She said she feels it would be a detriment to the neighborhood as it's a tight location.

Mr. Semple confirmed it was a two-bay garage. He also believed it was a tight area.

Via Zoom, Mr. Larson said it was a tight area and congested area for the two streets in that area.

Mr. Elkallassi said they needed to hear from the Building Commissioner regarding the site plan.

Mr. Turner stated he first reviewed this in October. He said had he counted correctly with ten parking spaces, it would be a site plan review. He said he respected Mr. Madden's point of view but he wasn't sure that it didn't trigger the parking for site review. He read from the by-law that states new ten parking spaces would be the trigger for site plan review. Mr. Turner said from reading it he doesn't think that it triggered the site plan review.

Mr. Eacobacci stated their decision is on what has been presented not for the review of the site plan review.

Mr. Elkallassi said he believes when the site is so tight, there should be a site plan review.

Ms. Morton stated if it looks like the board will be voting negatively, she would request a withdrawal and ask the Building Commissioner for a new letter.

Mr. Eacobacci opened it up for public comment.

Mr. Samoni stated he has not had access to the plans, and they see no change in the parking issues that exist in that area. He expressed his opposition on this project.

Mr. Madden stated he brought the plans to the abutter exactly what was being proposed. He said he invited the abutter to visit his office for a set of plans. He said the issue is using Wedgewood Lane inappropriately. He said that Mr. Samoni was not advising the board of any accurate statements.

Ms. Morton stated they would like to withdraw their application. The Board members stated they accept the withdrawal.

B. 2-23 Lynelle Butterfield – Appeal – 12 Great Neck Road – Map 17, Lot 1008

Mr. Eacobacci continued to chair this appeal.

Clark – originally here to appeal the violation notice of a special permit from 2012. He said that violation notice has since been rescinded.

Mr. Eacobacci stated the violations have been rescinded but there is a new violation; and the appeal is on a rescinded violation, which means there is no violation or appeal.

Mr. Clark stated they are in the process of filing a new appeal on the violations just received last week. He asked to withdraw without prejudice.

Daniel Walsh, present for the abutter.

Mr. Elkallassi reviewed what was currently in front of the board.

Mr. Walsh said there is a new violation.

Mr. Eacobacci stated that the new violation was not in front of them and they cannot discuss it.

The board accepted the withdrawal without prejudice.

C. 6-23 Dorothy Pipher – Special Permit – 40R Chippewa Drive – Map 7, Lot 130

Dorothy Pipher and William Major were present.

Ms. Pipher explained that they wanted to demolish the existing building and build on the same footprint.

Mr. Eacobacci reviewed the plans as a one-bedroom dwelling in the backyard.

There was no public comment.

Mr. Eacobacci made a motion to close the public hearing and it was seconded by Ms. DeBonise. The motion passed unanimously.

Mr. Elkallassi stated that Mr. Turner did not quote the section they were questioning, so they would have to overturn his decision.

Ms. DeBonise a motion to issue a Special Permit for 6-23 40R Chippewa Drive under section 13-55, overturning the commissioner's decision and was seconded by Mr. Eacobacci. Mr. Semple abstained. (4-0-1).

Mr. Eacobacci made a motion to grant the Special Permit as it is not detrimental to the neighborhood, and it was seconded by Ms. DeBonise. The motion passed, 4-0-1, with Mr. Semple abstaining.

Ms. Debonise made a Motion to grant the Special Permit as the finding that it is not detrimental to the area which was seconded by Mr. Larson. The motion passed, 4-0-1; with Mr. Semple abstaining.

V. PUBLIC HEARINGS:

A. 7-23 MLC Homes, LLC – Comprehensive Permit/40B – 7 Depot Street – Map 129, Lot 1152

Mr. Eacobacci read the advertisement for the record.

Present for the Petitioner were Attorney Robert Pelligrini, Mike Curadossi and Jim Pavlik from Outback Engineering.

Mr. Pelligrini stated the present use is a Motel and the proposed use is residential two-unit apartments. He said the property is in a Commercial Zone. He said they reviewed the economic development strategy of the Town, have met with the Planning Director, Board of Health, and the Housing Authority. He said the application request was based on the denial letter. He said the location is high visibility with high traffic. He said in the past has been used as a long-term motel use.

Mr. Pelligrini stated they are trying to use something that is there and improve the neighborhood. He said it'll be managed by the Housing Authority and they will have an office on the premises.

~~Mr. Eacobacci~~ ^{Elkallassi} stated it can't be private if run by Housing Authority.

Mr. Curadossi said he understood that the Housing Authority was going to manage the property and he would pay them a fee to manage the property.

Mr. Elkallassi asked about the legality of the housing authority management if the property was owned privately.

Mr. Curadossi said he understood that they would be paying a part-time person to manage the office.

Mr. Elkallassi explained the project was being presented as low-income but it's a private project and requires variances. He said it would not have anything to do with housing.

Mr. Curadossi said that the housing authority told him that they manage other private properties.

Mr. Elkallassi stated private properties can only be managed under the comprehensive permit only.

Board members agreed that this was a private project.

Mr. Pelligrini stated they wanted to take a break and come back with a comprehensive permit.

Chairman of the Wareham Housing Authority, Robert Powilatis was present to clarify the discussion. He said they understood that the only thing the housing authority will do with this proposal is to administer and take on the paperwork and review eligibility.

Mr. Buckland stated it has to be run by a private company if it is a private project.

Mr. Powilatis stated they only work with the paperwork.

Mr. Elkallassi stated they need to come back to the board and request a comprehensive permit.

Ms. DeBonise said that this size project is large at 24 units and the money should go back into the property.

Mr. Eacobacci said there is quite a number of variances. The minimum for residents is 650 square feet. He explained 5 units or more need 650 sq feet of living space unless you request a variance.

Mr. Pelligini asked for a withdrawal.

Mr. Eacobacci made a motion to grant the withdrawal per the applicant's request which was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

V. ANY OTHER BUSINESS/DISCUSSION

A. Possible discussion regarding Zoning Articles for Spring Town Meeting

Mr. Buckland stated the vehicles per bay and garage would be going to a Public Hearing within a day or two and go to Town Meeting.

Discussion ensued regarding the 'use' and the number of vehicles.

Mr. Eacobacci made a motion to adjourn and was seconded by Mr. Larson. The motion passed unanimously. (5-0-0)

Date signed: 3-22-2023

Attest: James Eacobacci

James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2023 MAR 29 AM 11:04