

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: May 12, 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
Jacob Morrison, Member
Richard Semple, Associate Member
Christopher Conti, Associate Member

Charles Rowley, Independent Consultant Town Engineer

III. PRELIMINARY BUSINESS

IV. CONTINUED PUBLIC HEARINGS

1. 2-21 TGCI EMNACA – Comprehensive Permit under MGL Chap 40B – Settler's Glen, 3128B Cranberry Highway – Map 8, Lot 1007C

Present before the Board: Mark Bobrowski, Esq.
Lynne Sweet, LDS Consulting
Craig Mitchell, Architect
Brian Grady, G.A.F. Engineering, Inc

Ms. Sweet states she is hoping to cover a few matters tonight but know they are not quite ready to finalize and mentions the plans have also been submitted to the Board. Most importantly, she is hoping to go over the Comp. Permit conditions and any opened issues.

Mr. Elkallassi mentions before proceeding, he would like to point out some changes that need to be made to the decision that has been drafted by Attorney Bobrowski. Ms. Sweet makes note.

He also discusses placement of mailboxes and talks about his conversation with the postmaster. Mr. Grady shares the plans to go over the changes.

Ms. Debonise questions the recreational space. Mr. Elkallassi suggested just a grass area due to liability reasons. Mr. Semple and Mr. Conti have no comments. Mr. Morrison also has no input.

Mr. Rowley is satisfied with the plans and recommends they be submitted so they be part of the record but he does have a few concerns with respect to the security of the roads.

Conversation ensued until one of four requirements are met. He discusses different options, one being a Covenant.

MOTION: Mr. Eacobacci moves to continue the hearing to May 26, 2021. Mr. Semple seconds.

VOTE: (5-0-0)

2. 18-21 Daniel Georgianna – Special Permit / Variance – 45 Longwood Avenue – Map 1, Lot 630

Present before the Board: Daniel Georgianna, 45 Nakata Ave, Fairhaven, MA
David Georgianna

Mr. Daniel Georgianna states his son, David Gorgianna will speak on his behalf. David states his was able to calculate coverages for the surrounding properties as requested by the members for comparison and he shares those on the screen.

David Georgianna mentions that his cottage is in fact the smallest one and they are under the percentage rate.

Mr. Conti questions the outside stairs and the applicants explain where they are proposing the build. Ms. Debonise has questions regarding the layout and square footage that is being presented and why they are going outside to go to the bedrooms. Ms. Debonise makes some suggestions to the applicant.

Mr. Elkallassi does find it strange having to walk outside in the middle of winter from the bedroom.

Mr. Morrison agrees the floor plan is a little funky but doesn't see anything wrong with the size of the project. Mr. Conti would like to see a better floor plan.

Mr. Elkallassi is requesting a full set of architectural plans.

Present before the Board: Jennifer Hixon, 15 4th Street

Ms. Hixon talks about the data and says most houses have been built over 100 years ago.

Mr. Eacobbaci would like to add to the record that there are two letters that have been received and are in the file and both in the affirmative.

MOTION: Mr. Conti moves to continue the hearing to May 26, 2021. Mr. Eacobacci seconds.

VOTE: (5-0-0)

3. 19-21 Emily & John Heavy c/o Margaret Ishihara, Esq. – 43 Marine Avenue – Map 78-1, Lot(s) 75 & 76

Present before the Board:

Margaret Ishihara, Esq., 2527 Cranberry Highway
Emily & John Heavy, 70 Rose Point Avenue

Attorney Ishihara is before the Board representing the applicants, Mr. and Mrs. Heavy. She reiterates and refreshes the Board's memory in regards to the project. She mentions the applicants are proposing to build a single-family, two-bedroom home on an 8,000 sq. foot lot with 100 feet of frontage.

Mr. Eacobacci states he feels it's a terrible law but there is no delicate way of saying it, he is in favor of a use variance but under the sole condition of allowing a second primary house under the same deed and it needs to be recorded in that manner.

Ms. Debonise also likes Mr. Eacobacci's theory and would like to see something done to help out the applicants. The rest of the board thinks it is in fact the best solution.

MOTION: Mr. Eacobacci moves to close the public hearing. Ms. Debonise seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Use Variance so the two residences are on one common deed, on one parcel, to be recorded at the registry and they be sold together and not separately. Mr. Morrison seconds.

VOTE: (4-1-0) Mr. Elkallassi denies

4. 24-21 Alisa Morse – Special Permit – 2 Sarabeth's Lane – Map 114/D, Lot SB1

Present before the Board:

Alisa Morse, 2 Sarabeth's Lane

Ms. Morse states to her knowledge there is a business at the residence for Sergi's Landscaping. She is looking for a home office for mailing purposes only. As far as she is concerned, Mr. Sergi does have a Permit.

Mr. Elkallassi recommends that there is confirmation Mr. Sergi is in compliance due to the neighbors' complaints.

Mr. Conti asks for clarification regarding her lease because it states for "residential premises only". Mr. Semple wants to know about the containers as well. Ms. Debonise feels that allowing any other use will be detrimental unless some of these issues are resolved. Mr. Morrison states he is not ready to vote.

Mr. Elkallassi makes some suggestion to Ms. Morse. He asked for an updated lease along with a copy of the Permit for the other business.

MOTION: Mr. Eacobacci moves to continue the Public Hearing to May 26, 2021. Ms. Debonise seconds.

VOTE: (5-0-0)

V. PUBLIC HEARINGS

1. 25-21 Edward Kinsman – Special Permit and/or Variance – 65 Jefferson Shores Road - Map 6, Lot 49

Present before the Board: Ed Kinsman, 2 High Valley Rd. Ridgefield, CT

Mr. Kinsman is proposing a deck. He states that he has a deck in place that was installed by the previous owner a number of years ago based on the present condition. He states that it has become hazardous for people entering the house and needs to be replaced.

He adds that the house does not have a typical front door configuration and the deck is located on the right side of the house adjacent to a large retaining wall.

The existing deck sits 3 feet above grade and measures approximately 3' x 18'. Mr. Kinsman says the footings and decking will be solely on his property and will abut the Jefferson Shores association easement. He mentions that he has spoken with the association president and has permission from the board to build the deck. Mr. Kinsman says that the proposed deck will be constructed in the same location but will become 9 feet 5" x 24' and will be ADA compliant. He tells the board that he is hoping for a positive outcome.

Mr. Semple states he drove by and feels that it in fact is rotting and needs to be replaced. He also does not think that what the applicant is proposing is anything drastic.

Ms. Debonise is not in favor going to the property line. She states it looks relatively wide. Mr. Morrison does not see an issue with it. Mr. Eacobacci is very familiar with the property and would be willing to move positively with the application.

Present before the Board: Demetrius Salpoglou, 29 Woodside Ave

Mr. Salpoglou states he is in favor of the project

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant relief as proposed as a Special Permit using the plans provided with standard conditions. Mr. Morrison seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant relief as proposed Special Permit with standard conditions with 7' wide and 2' setback from easement. Ms. Debonise seconds.

VOTE: (5-0-0)

2. 26-21 Swenson Granite Works – Special Permit and/or Variance – 3120 Cranberry Highway - Map 8, Lot 1004

Present before the Board:

David Duport, Director of Operations,
Brian Grady, G.A.F. Engineering, Inc.

Mr. Grady states that the applicant is looking to create a new use on a vacant parcel. He shares the plan.

He mentions that the applicant is proposing to create a new landscape wholesale supply facility which is permitted by right in the CS zoning district.

He states that the lot is split by a zoning district boundary line with 44,590 ft.² in the MR 30 zoning district and 68,600 ft.² in the strip commercial zoning district. He adds the parcel lies in its entirety in the ground water protection overlay district.

The applicants are requesting from the board that the lot coverage be increased to 25% for the entire parcel pursuant to section 4 for 2.1 of the bylaw.

Mr. Grady mentions that this is relating to approximately 42% of the lot coverage for the portion of the lot in the strip commercial zoning district well below the 65% allowed.

Mr. Eacobacci thinks it is a great use of the site and is ready to vote. Mr. Conti agrees. Mr. Morrison thinks it looks great.

Ms. Debonise states she does not know what the buffer looks like but mentions that it would be nice to see some type of evergreen between the residential lot beside it.

No public comment.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Use Variance to the residential section of this property with Standard Conditions. Mr. Conti seconds.

VOTE: (5-0-0)

3. 27-21 Peter Luciani – Special Permit – 3095 Cranberry Highway – Map 10, Lot 1019

Present before the Board:

Jilian Morton, Esq. 184 Main Street

Attorney Morton, states she is representing the applicant, Mr. Luciani. She mentioned that her client is the owner and operator of a unique business called LuciGold which is a family owned business that provides custom egress solutions for homeowners and businesses alike.

The purpose of this application is to allow approval for a special permit for the owners to manufacture the fitting indoors on the premises. Attorney Morton, states that the applicant needs relief from the board in the form of a special permit for this use per article 3, section 320. She feels that this it is not substantially detrimental to the neighborhood.

Attorney Morton also states that this use will not affect the surrounding drinking water supplies. The lot actually had a full environmental review in 2010 and passed phase 1 testing. The phase 1 report indicated that this site used to be in 1989 as a glass business and then a motorcycle repair shop since 2000.

That report, indicated that the stormwater runoff and leaching basins are in good condition. The manufacturing will be done inside and in a controlled environment and not be done outside the premises. The process does not produce any hazards to pedestrians or vehicles because it will be inside

Present before the board: Peter Luciani, 145 Main Street, Buzzards Bay

Mr. Luciani states he custom designs, builds and installs lightweight all aluminum egress products for safe and easy access to cellars. Currently he uses a provider who makes these but with the ever busy contracting and building demand these days, it's been an extreme delay to receive materials, therefore delaying his delivery of his doors to his eager clients. He adds that he is in his 15th year in business.

Mr. Eacobacci encourages the project. The rest of the Board agrees.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Special Permit as requested with Standard Conditions. Mr. Morrison seconds.

VOTE: (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS

VII. ADJOURNMENT

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

VOTE: (5-0-0)

Date signed: 3-8-2022

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

Date copy sent to Town Clerk: _____