

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: May 26, 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 (entered the meeting at 6:39pm)
Veronica Debonise, Member
Jacob Morrison, Member
Richard Semple, Associate Member
Christopher Conti, Associate Member

Kenneth Buckland, Town Planner
Charles Rowley, Independent Consultant Town Engineer

III. PRELIMINARY BUSINESS

IV. CONTINUED PUBLIC HEARINGS

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

Mr. Buckland states there was a request received for continuance to June 9, 2021 and an extension with a decision deadline of June 19, 2021

MOTION: Mr. Semple moves to continue the hearing to June 9, 2021. Mr. Morrison seconds.

VOTE: (5-0-0)

2. 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

Attorney Bobrowski open the meeting. He asks Ms. Sweet and Brian Grady to go over recent plan changes and submittals and then he will take over to discuss the drafted decision with the Board.

Ms. Sweet states she does not believe there has been any plan changes since the last meeting. There were two items they were to follow back on in regards to the decision of trash removal in which she thinks Mr. Grady has spoken to someone from the Town about and the other was regarding the subdivision road but she believes, Attorney Bobrowski will speak to this when he goes over the drafted decision.

Mr. Elkallassi reminds Ms. Sweet that Mr. Rowley had suggested a Covenant be required or some sort of security measure be put into place

Mr. Rowley states that so long, the document identifies this in some way that is equivalent to a Covenant, he would not have an issue with it, but language would have to be inserted to that idea.

Ms. Sweet shares the draft decision and between Ms. Sweet, Attorney Bobrowski, and the Board, they make all edits necessary to the decisions. This is done in a great lengthy manner.

Conversation ensued regarding the binder, sewer lines, drainage, and all other base materials.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant application as amended and discussed but have the opportunity to see the final draft. Ms. Debonise seconds.

VOTE: (5-0-0)

3. 18-21 Daniel Georgianna – Special Permit / Variance – 45 Longwood Avenue – Map 1, Lot 630

Mr. Buckland states the applicant has requested a continuance to June 9, 2021.

MOTION: Mr. Conti moves to continue the hearing to June 9, 2021. Mr. Semple seconds.

VOTE: (5-0-0)

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

No one before the Board

MOTION: Ms. Debonise moves to continue the Public Hearing to June 9, 2021. Mr. Semple seconds.

VOTE: (4-0-1) Mr. Conti abstained

V. PUBLIC HEARINGS

1. 28-21 Mark Gagne – Special Permit and/or Variance – 29 Bay Street - Map 3, Lot 110

Present before the Board:

Mark Gagne, 29 Bay Street

Mr. Mark Gagne introduces himself and states that he is requesting an increase to the floor area ratio. He states that 30% for area ratio is permitted in the existing small lots of his zoning district.

He wishes to use his basement storage area for a recreation and exercise equipment room measuring 16' x 22' in size. He mentions that this will add 352 ft.² of living space, which is an increase of 8.5% floor area.

Mr. Gagne mentioned that the basement is located under existing structure and is accessible by outdoor bulkhead and interior stairway. He says that there are six basement windows in foundation for natural lighting and ventilation. He also adds that the house is not in a floodplain and is serviced by city water and sewer.

Mr. Conti does not see any issue with what this applicant is looking to do. Ms. Debonise had a few questions due to some changes that were initially noted but then later changed. She does not see any issues.

Mr. Morrison had no input and Mr. Eacobacci had no input either.

He would like to add to the record that he included three letters from his neighbors in his street that is supporting the usage increase request.

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 and feels it is not detrimental to the neighborhood. Ms. Debonise seconds.

VOTE: (5-0-0)

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

VOTE: (5-0-0)

2. 29-21 Derek J. Rogers – Variance – 9 Mallard Road - Map 133A, Lot 97

Present before the Board:

Derek J. Rogers, 9 Mallard Road

Mr. Rogers States that he is before the board proposing to construct a new 10' x 14' shed with a 4' overhang in the rear right corner of his property he states he was denied a permit because he was proposing a 5-foot setback from the side and rear of the property which does not meet

zoning requirements. He adds that the reason for such a request is that any other location in his backyard meeting the zoning requirements would require a significant investment to make the location level enough to build upon.

Mr. Semple confirms he in fact drove to the site and saw the hardship Mr. Rogers speaks of. Ms. Debonise drove by as well, but the yard was fenced off, she will take Mr. Semple's assessment. Mr. Eacobacci has no issues with this project and is comfortable moving forward,

There is no public input.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to approve and grant the relief as requested with Standard Conditions. Ms. Debonise seconds.

VOTE: (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS

VII. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Mr. Conti seconds.

VOTE: (5-0-0)

Date signed: 2-8-2022

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

Date copy sent to Town Clerk: _____