

Wareham Zoning Board of Appeals
Wednesday, June 14, 2023 – 6:30 p.m.
Minutes

WAREHAM TOWN CLERK
2023 JUL 10 PM5:23

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.

The following record pertains to a meeting held by the Zoning Board of Appeals at 6:30 PM local time. A video recording of this meeting is available for viewing. The record of the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

I. CALL MEETING TO ORDER

Chair Elkallassi called the meeting to order at 6:30 p.m.

II. ROLL CALL

Present: Nazih Elkallassi, Jim Eacobacci, Richard Semple, Veronica DeBonise (via phone call), Troy Larson

Town Planner, Ken Buckland was present.

Absent: Mr. Morrison

III. PRELIMINARY BUSINESS

1. **Approval of Meeting Minutes: 5/24/2023** – Mr. Eacobacci made a motion to approve, and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0)

Motion to Approve:

IV. CONTINUED PUBLIC HEARINGS

1. **11-23 Peter Koulouras, Trustee – Variance – 3127 Cranberry Highway – Map 8, Lot B (Requested Continuance to July 12th)**

Attorney Morton asked for a continuance and signed for an extension.

Mr. Eacobacci made a motion to continue to July 12, 2023, and was seconded by Mr. Larson. The motion passed unanimously. (4-0-0).

V. PUBLIC HEARINGS:

1. **17-23 Kevin Keegan – Variances and/or Special Permit – 16 Fisherman's Cove Road**

Mr. Eacobacci read the advertisement for the record.

Attorney Jillian Morton was present for the applicant. Ms. Morton stated they would be razing the roof and adding decks to the back, and adding a stairway that would encroach on the 20' setback. She explained they are razing the roof to allow a 2' increase with a deck and believes that this would fall under a Special Permit, as it extends the non-conformity. The last is in regards to the shed, which to make it larger to 10x14.

There were no questions from board members. There was no public comment.

Mr. Eacobacci made a motion to close the public hearing which was seconded by Mr. Larson. The motion passed unanimously.

Mr. Eacobacci made a motion to accept the plans as requested and grant a variance for the setback for the stairs, which was seconded by Mr. Semple. Approved unanimously. (4-0-0)

Mr. Eacobacci made a motion stating the 2' height increase would be considered a Special Permit, as it not detrimental to the neighborhood. Mr. Semple seconded. Approved unanimously. (4-0-0).

Mr. Eacobacci made a motion to allow the 2' height for the roof which was seconded by Troy. Approved unanimously. (4-0-0).

Mr. Eacobacci made a motion stating that the shed would be voted as a special permit –

Mr. Eacobacci made a motion to grant the shed as it is not detrimental to the neighborhood and was seconded by Mr. Larson. Passed unanimously. (4-0-0)

2. 18-23 Raymond Young – Site Plan Review/Variance/Special Permit – 2404 Cranberry Highway

Mr. Eacobacci read the advertisement in for the record.

Ms. DeBonise was on the phone for this hearing at 7:00 p.m.

Attorney Jillian Morton presented the applicant, Popeyes Restaurant; stated she did want to move forward with the hearing with only four members present. Mr. Elkallassi stated she did have the right to be heard before five members.

Ms. Morton reviewed the project. She said it was in the industrial district to propose a Popeye Restaurant and multiple drive-thrus. She stated that the engineers were in discussion of the plans.

Mr. Eacobacci said that he sees no problem with the use for the property.

Mr. Elkallassi asked for any public comment to which there was none.

On the variance, Mr. Eacobacci made a motion to close the public hearing on the drive-thru only and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

Mr. Eacobacci made a motion to grant the variance for the drive-thru and was seconded by

On the variance, Mr. Eacobacci made a motion to close the public hearing relating to the use of the restaurant. Mr. Semple seconded the motion and it was approved unanimously. (4-0-1).

Mr. Eacobacci made a motion to approve the variance for the restaurant and was seconded by Mr. Semple. The motion was approved and passed unanimously. (4-0-0)

Mr. Eacobacci made a motion to continue until July 12, 2023 and was seconded by Mr. Larson. The motion passed unanimously. (5-0-0).

3. 19-23 Harlan Morton Story Life Estate – Special Permit and/or Variance – 66 West Boulevard

Mr. Eacobacci read the advertisement for the record.

Mr. Lockwood was present for the applicant. He reviewed the project for a Special Permit. He said they started the process two years ago and it never went through because of the start of COVID and they couldn't get a contractor. He said they let the time elapse, so had to come back and re-file.

Mr. Larson stated they should approve it as a Special Permit as it was approved that way previously.

Resident, 64 West Boulevard asked if it was the same project as previously. He said there were a few things they agreed to a few things previously – Northwest corner is not paved and he would like to see it not paved, and the pavement between the two houses remains undisturbed.

Denise Hickinson asked regarding the elevation on the East, two windows or doors on the back of the house, however, the floor plan doesn't state the same.

Mr. Lockwood explained the door to a storage closet and the door to the addition proper. He explained there are two doors.

Mr. Eacobacci made a motion to close the public hearing which was seconded by Mr. Larson. The motion passed unanimously. (4-0-0)

Mr. Eacobacci made a motion to approve the variance as presented and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

Mr. Eacobacci made a motion to approve to regrant the Special Permit with the standard conditions relating to the pavement at the Northwest corner and the pavement between the two houses. The motion was seconded by Mr. Semple. Approved unanimously. (4-0-0).

4. 20-23 Paul G. Somers – Variance – 25 Oak Street

Mr. Eacobacci read the advertisement for the record.

Mr. Frank Westgate and Paul Somers were present before the board.

Mr. Westgate stated they had an order of conditions and was looking for a variance for an added second-story addition. They do not meet the F.A.R. in relation to the lot area. All

25% allowed, 33% required.

There was no public comment, no questions from the board.

Mr. Eacobacci made a motion to close the public hearing which was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

Mr. Eacobacci made a motion to approve as presented and the finding is that it meets the bylaws to allow and was seconded by Mr. Larson. The motion passed unanimously. (4-0-0).

5. 21-23 Angela McKeown – Site Plan Review/Special Permit/Variance – 386 Main Street

Mr. Eacobacci read the advertisement in for the record.

Attorney Jillian Morton was present on behalf of the applicant along with Sam JC Engineering. Attorney Morton reviewed the project with the board. It is an existing four family, looking to renovating the main structure to provide five duplexes. She said it would be owner-occupied and rented units.

Lot coverage – 50%, just under.
F.A.R

Variance request to separate the building.

Mr. Elkallassi asked about the by-law for the slope of the driveway. Discussion ensued. Mr. Buckland stated the bylaw did say something about a certain percentage, but he didn't have that right off the top of his head.

Mr. Larson said he needs to continue to review. Mr. Eacobacci stated he is stuck on the lots and the deeds to who owns what. Attorney Morton stated it was an easement. Mr. Eacobacci said he didn't understand why the empty lot wasn't being used for access.

Public comment:

Ray Robinson, 171 High Street shared his concern that he uses the end of 6-8' of the private road. He had concerns that the road would be used, as the homes are right against his bedroom window.

Mr. Elkallassi said they could block the road with special conditions that wouldn't allow them to use vehicles.

Paul Sparrow, 380 Main Street. Mr. Sparrow reviewed the zoning by-laws whereas this would fall and read from a statement to advise of his concerns.

Bob Reed, 26 Highland Road; lives at 181 High Street currently. He explained the deeded right away of the road along with the abutter. He said if the right of way would be closed off, that would benefit the area. He said he would like the applicant to waive their rights to the right of way.

Ms. Morton said they'd be interested in that discussion with the surrounding owners.

Mr. Eacobacci stated he received a note that the zoom is down.

Patricia Nelson, 6 Revine Road in Buzzards Bay; stated she is a primary trustee on an adjoining property. She inquired about the setback of the back of buildings.

Sam I. said that from the end of one house to her property line is 30'.

Ms. Nelson stated that she feels the project would be detrimental to her mom's health, should she be able to return to her home.

Paul Turner says the existing 4-family is going to be sprinkled. He said the ten two-family would not be sprinkled.

Discussion on how the board would review to grant the variance.

Mr. Sparrow returned to ask a question about the distance from the rear setback and how close to the structure it would be.

The board gave their opinion/feeling about separating the buildings, which would be the variance. Mr. Eacobacci said he understood; however he thought a single structure might be a better idea. Mr. Elkallasi said he thinks the board thinks it might be a lot, but if they reduced the number of units, it may be a better option.

Attorney Morton reviewed the statutory requirements that they would be meeting.

Mr. Larson stated he as well is undecided. Via the phone call, Ms. DeBonise also stated she would have to hear more about the variance.

Attorney Morton asked for a continuance until July 12, 2023.

Mr. Eacobacci made a motion to continue to July 12, 2023, per the applicants' request and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

VI. ANY OTHER BUSINESS/DISCUSSIONS

1. Vote/Recommend – Troy Larson – Membership Renewal

The board discussed possibly asking Mr. Larson to become a full member and Mr. Morrison as an associate.

The board voted in a recommendation to renew Mr. Larson as a voting member.

Ms. DeBonise said that someone may want to come back on as an associate member. Mr. Elkallasi reported there was a vacancy.

VII. COMMENTS FROM BOARD MEMBERS

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

Date signed: 6-28-2023

Attest: James D. Eacobacci

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

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2023 JUL 10 PM5:23