

**Town of Wareham
Zoning Board of Appeals
Minutes – July 22, 2020**

- I. **CALL MEETING TO ORDER:** Chairperson, Nazih Elkallassi opened the meeting at 6:30 pm via Zoom.
- II. **ROLL CALL:** Present: Chairman, Nazih Elkallassi, Clerk, James Eacobacci, Mr. Cruz, Mr. Morrison, Mr. Semple, Mr. Conti, and Ms. Veronica DeBonise were all attending via Zoom.

Absent: Mr. Eacobacci

Planning Director, Ken Buckland was also in attendance. He said the minutes have not been sent out to members as of yet.

III. **PRELIMINARY BUSINESS:**

IV. **PUBLIC HEARINGS:**

1. **8-20 John Churchill – Variance – 2850 Cranberry Highway, Map 129, Lot 1077**

Mr. Elkallassi recused himself.

Ms. DeBonise agreed to chair the meeting, however, she said they all need some training to move forward to help in situations like this.

Mr. Buckland read the advertisement for the record.

Attorney Jillian Morton was present on behalf of the applicant. Ms. Morton reviewed the project with the board members. She said the parcel has a huge amount of wetlands and they are looking to do residential they have a buffer zone, which is 30'. She said the lot is quite wet. She said the owner would like to put a two-family home and they are requesting a variance. Ms. Morton explained there are other two family's on Cranberry Highways as well. She explained what requirements are needed to ask for a variance and; topography of the land (she said it is an odd-shaped lot). She said the owner would like to use it as a rental.

Ms. DeBonise asked what the size of the lot is.

Ms. Morton stated she thought it was just about 30,000, and the requirement is 45,000 sq feet for a two-family.

Ms. DeBonise asked what the hardship would be.

Attorney Morton said it is the viability of the project to build only a one-family. She said the two families would provide two rental units.

Ms. DeBonise stated that she felt a hardship for a variance should be a land hardship, not a use hardship.

Ms. Morton stated that the other option for this lot would be to use as a commercial use, and that would add a 50' buffer, which would be completely un-useable in the back of the property. She said the topography of the lot is a hardship as they wouldn't be able to build on it commercially.

Ms. DeBonise said she wasn't sure that qualified as a hardship.

Mr. Semple asked where the property is located. He said he is concerned about the houses encroaching on the pond in that area; affecting the heron.

Ms. Morton stated that she felt that could be the reason they stated there was a 30' buffer. Ms. Morton said she'd be happy with the board if they wanted to walk the lot.

Mr. Semple stated he would like to be able to walk the lot.

Mr. Conti asked if the Conservation agent has walked the lot. Ms. Morton stated that she would have to contact her client to see about the buffer zone.

Mr. Conti asked about what the applicant requesting a Special Permit and/or a variance. Mr. Conti asked why the variance for a two-family if it was just for a rental.

Ms. Morton stated It would be affordable housing, not low income but affordable housing.

Mr. Conti asked if Mr. Rowley has reviewed the plans. He also asked about the leeching field.

Ms. Morton explained where the leeching field would be and where the easement would be going.

Mr. Cruz stated he had no comment at this time.

Ms. DeBonise asked for public comment, but there was none.

Mr. Conti said he'd like to hear from the Town engineer as well as Conservation. Mr. Morrison stated he felt the same.

Ms. DeBonise asked Ms. Morton to explain the front variance.

Mr. Buckland explained the plans are on the website under ZBA projects.

Ms. DeBonise asked for a motion to continue to August 12, 2020.

Mr. Morrison made a Motion to continue 8-20 John Churchill to August 12, 2020 and was seconded by Chris Conti. The Motion passed unanimously.

**2. 13-20 – Barbara Vieira c/o Derba Construction, Inc. – Special Permit/Variance – 214
Barker Road, Wareham, MA**

Mr. Elkallassi opened up the public hearing. Mr. Buckland read the advertisement in for the record.

Engineer, James Garfield was present for the applicant. He said the existing house was built in 1906. Mr. Garfield stated this was a pre-existing non conforming lot. He said the setbacks were also non-conforming, the existing is 12' and they are stating 12.2' for new single-family dwelling. He said they are setting in same footprint, just a little further from the pond in the back. He said it's an existing 2-bedroom house and they are proposing a 3-bedroom.

Mr. Elkallassi stated the setbacks are 30' left and right, and 100' feet from the front. He said they are looking to change the side setback via a by-law. Mr. Elkallassi stated a relief would have to be done by a special permit; and then by right continue with a special permit.

Ms. Debonise said that in her mind it would not be detrimental as it is an improvement to what is there currently. Mr. Conti said the same, as it is not detrimental. Mr. Cruz agreed. Mr. Semple agreed.

Mr. Elkallassi asked for public comment there was none.

Mr. Morrison made a motion to close the public hearing and was seconded by Mr. Cruz. The motion passed unanimously to close the public hearing.

Ms. DeBonise made a Motion that this is not detrimental to the neighborhood and move this forward as a Special Permit and was seconded by Mr. Morrison. The motion passed unanimously.

Ms. DeBonise made a motion to approve the Special Permit with standard conditions and with plans revised on June 8, 2020 with a modification that the side setback is not 12.2' not 12.6' as presented on plans, by Morris Engineering; and also that granting the Special Permit doesn't relieve the applicant from other boards and was seconded by Mr. Morrison. The motion passed unanimously.

V. CONTINUED PUBLIC HEARINGS: none

VI. ANY OTHER BUSINESS/DISCUSSIONS: none.

Mr. Morrison made a motion to adjourn and was seconded by Ms. DeBonise. The Motion passed unanimously.

Respectively,
Patricia A Pacella

Date signed 8-11-2022

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

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2022 AUG 15 PM 3:23