

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: Wednesday, August 12, 2020

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Jim Eacobacci, Clerk
Veronica Debonise
Christopher Conti
Richard Semple

Also Present: Ken Buckland, Town Planner

Mr. Eacobacci makes known that there is only a four-member board and allows the petitioners to continue if they would like to wait for a full board.

III. PRELIMINARY BUSINESS

1. 4-19 LDE Holdings, LLC/dba Trade Roots Co. – Request of Minor Modification 6 Thacher Lane – Map 108, Lot 1006Q1

Present before the Board: Bob Rogers, G.A.F. Engineering
Jesse Pitts, Trade Roots

Mr. Rogers states that they are requesting that the changes to the design plan be considered a minor modification and require no hearing. He displays the previous plan that had been approved and also states he has submitted the revised plans for the Boards review and discusses the changes. Mr. Semple and Mr. Conti agree that it is a minor modification.

Ms. Debonise questions the drainage pads that are being replaced now, and Mr. Rogers explains the reasons behind the change. Ms. Debonise reviews the previous approved plan closely with Mr. Buckland and is satisfied. Mr. Buckland asks Mr. Rogers if there will be a gate in the corner and Mr. Pitts, states that the whole pad is also enclosed within another fence.

Motion: Ms. Debonise moves to grant the request as a minor modification. Mr. Semple seconds.

VOTE: (4-0-0)

2. 22-11 Walmart – Cranberry Highway & Seth F. Tobey Road – Release of Landscape Performance Bond

Although no one is present, Mr. Buckland states there was a report submitted requesting the release of (\$20,000.00) that was put aside for performance standards on the landscape plan but

the plan needs to be reviewed. Mr. Rowley, the Toen Engineer needs to review the landscape. Mr. Eacobacci states that this will be continued until the next meeting after the review is completed and no motion is needed this evening.

3. 19-16 J. Donegan Company/Wareham Marketplace – Release of Performance Bond – 2419 & 2427 Cranberry Hwy. / 4 Seth F. Tobey Rd. – Map 85, Lot(s) 1004A, 1004D & 1006

Mr. Buckland reports that this is about a \$175,000.00 insurance bond. The as-built plan has been reviewed and approved and that it is now appropriate to release the bond.

Ms. Debonise wants to confirm that all the permits have passed, and Mr. Eacobacci confirms that all permits have passed and construction is now done.

Motion: Mr. Semple has moved to give back the \$175,000 Performance Bond. Mr. Conti seconds.

VOTE: (4-0-0)

4. 29-16 Keith Amado – Request for a one (1) year extension to Special Permit – 312 Onset Avenue – Map 16, Lot 1007

Present before the Board:

Brian Grady, G.A.F. Engineering

Mr. Grady reports is looking for an extension due to some setbacks and then some involving Covid19. He is asking for a one-year extension.

Mr. Eacobacci would like to add to the record that although this will have no impact on tonight's decision but feels as Chair, that Mr. Amado has been stringing the Town along and this will be last time he is willing to grant an extension.

Mr. Eacobacci explains to the new board members, the history of this project and Mr. Buckland also adds to explanation of what has happened in the interim. The board members fully agree and understand.

Motion: Mr. Conti moves to grant the one-year extension and one year-only with prejudice against of future extensions. Ms. Debonise seconds.

VOTE: (4-0-0)

IV. PUBLIC HEARINGS

1. 14-20 – Barbara Maloit c/o Bachant Builders, Inc. – Variance and/or Special Permit – 17 South Blvd. – Map 1, Lot 65

Present before the Board:

Jillian Morton, Esq.

Barbara Maloit

Doug Schneider, Contractor

Ms. Morton states that she represents Ms. Maloit and they are in front of the Board seeking a Variance. Ms. Morton directs their attention to the displayed plan. She describes the property. She states that there were some changes to the initial submitted plan prior to the hearing but some changes have been made since including a cement driveway. A revised plan was also submitted. She would like to initially discuss the percentage of the impervious surface was 51.7% and now reduced to 36%. Mr. Schneider points to the plan and shows the Board exactly where the location and what is being done along with what materials are being used for the impervious surface initially denied by the Building Commissioner. Ms. Morton displays the material being used instead of the pavers initially disclosed. It has been since rectified. The impervious service is no longer in question or a concern. Ms. Morton states that what she is seeking is a variance for the maximum building coverage. She states that she is asking for the current shed to be removed and for a garage to be attached. There will be a second floor to the garage which will consist of a bathroom and a walk-in closet, because there is only one bathroom within the whole house. The builder did run these plans by the Fire Department and they are in agreement with the plans, and expressed no concerns.

Mr. Eacobacci states that he is very familiar with the property and personally thinks that it is a nice improvement to the area and the density of the building in the neighborhood merits with what is being presented. Conversation ensues regarding the project. Ms. Morton states that there is a nice support from abutters

Mr. Conti adds that he also agrees that this will be a nice improvement. Ms. Debonise questions the dimensions of the garage and Mr. Schneider states that it is 16x22. Ms. Morton says that the current non-conformity is 25.1% and they are seeking 29%

Present before the Board: John Janeiro, Architect

Mr. Janeiro states that part of the garage is also existing house and they are taking part of the house and all of the shed and basically squaring it off.

Mr. Eacobacci adds to the record that he has (6) six letters from abutters that are not present in tonight's meeting but are in support of the project.

Present before the Board: Amy Salvador, Immediate Abutter

Ms. Amy wants to voice her support for the project.

Mr. Buckland would like to make a clarification on the denial letter. He states it references Section 1335, procedures, which is incorrect, and it should be Section 1353 because of the garage extending the non-conformity set back in the front.

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

VOTE: (4-0-0)

MOTION: Ms. Debonise moves to find the project non-detrimental to the neighborhood and move forward as a Special Permit. Mr. Semple seconds.

VOTE: (4-0-0)

MOTION: Mr. Semple moves to grant relief with standard conditions. Mr. Conti seconds.

VOTE: (4-0-0)

V. CONTINUED PUBLIC HEARINGS

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

Present before Board:

Jillian Morton, Esq.

Ms. Morton is electing to come back where there will be a five-member board. Next meeting is scheduled for August 26, 2020

VI. ANY OTHER BUSINESS/DISCUSSIONS

Mr. Eacobacci asks Mr. Buckland if there are any updates and what is happening with the potential changes to the By-Laws regarding drive-through. Mr. Buckland states that there is a scheduled meeting on August 17, 2020 by the Planning Board via a zoom meeting. Conversation ensues regarding the potential changes amongst the members.

VII. ADJOURNMENT

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

VOTE: (4-0-0)

Date signed: _____

Attest: _____
James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

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VII. ADJOURNMENT

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

VOTE: (4-0-0)

Date signed: 8-26-2020

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

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2020 AUG 27 AM 10:12