

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: September 8, 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
Richard Semple, Associate Member
Christopher Conti, Associate Member

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

III. PRELIMINARY BUSINESS

1. Discussion and Possible Vote to start at 6pm

The Board has decided to keep meetings at 6:30pm. 6:00pm does not work for all members.

IV. CONTINUED PUBLIC HEARINGS

- 1. 39-20 First Hartford Realty Corp. – Special Permit, Variance, & Site Plan Review – 3005/3013 Cranberry Hwy – Map 12, Lot(s) B & LC1 – Reign Car Wash – Motor Vehicle Service
(Request for Continuance to 9.22.21 – per email received from Attorney Douglas Troyer)**

Mr. Eacobacci reads into the record there was an email received requesting a continuance to September 22, 2021.

**MOTION: Mr. Eacobacci moves to continue the Public Hearing to September 22, 2021.
Mr. Conti seconds.**

VOTE: (5-0-0)

- 2. 22-20 Frederick Mannix – Variance & Site Plan Review – 238 & 240 Sandwich Road – Map 133, Lot 1100A, & 1101A**

Present before the Board: Jilian Morton, Esq., 184 Main Street, Wareham

Attorney Morton states that she is in front of the Board today for the Site Plan Review portion, and due to the need of the publication, she is requesting a continuance.

MOTION: Mr. Eacobacci moves to continue the hearing. Mr. Semple seconds.

VOTE: (5-0-0)

**3. 38-21 Dana Levy & Denise Furlong – Special Permit and Variance – 80
Mayflower Ridge Drive – Map 132A, Lot 1078A & 1078B**

Present before the Board: Dana Levy, 375 Wellington Road, Delmar, NY
Denise Furlong, 375 Wellington Road, Delmar, NY

Mr. Levy introduces himself. He states the general conditions of the 1.01 acres parcel have an existing seasonal summer cottage that was constructed in 1882. He mentions he is proposing to construct a new 34' x 52' two-story single family dwelling on the same parcel that currently contains a 587 sq. ft. cottage, single family, un-insulate wood shingle structure and would like to keep it.

The new residence would be a two story, two bedroom, three bathroom, and age in place home. The existing 587 square foot seasonal cottage is intended to remain with no work planned

Mr. Elkallassi welcomes the applicants to the Town, however he mentions he is not a fan of granting the second structure but makes other suggestions. Mr. Conti states he visited the property and states it would be a shame to knock down the historical property but agrees with the Chairman. One of the suggestions was if the applicant removed the kitchen, it would then be an accessory structure and not a second property. A variance would not be needed then. Ms. Debonise also agreed with both the Chairman and Mr. Conti. Mr. Eacobacci does not see an issue but his concern would be how it would be structured if later on, it could be a rental unit. Mr. Semple agrees with the rest of the Board.

Present before the Board: Ken Ragusin, 68 Mayflower Ridge Dr.

Mr. Ragusin states he is a direct abutter and he is in favor of this project. He states it is a small structure with a lot of history and would hate to see it knocked down. He sees Mr. Levy shocked him his plans and when Mr. Levy showed him his plans, he does not see an issue with both buildings on the property.

Present before the Board: Ally Yellick, 68 Mayflower Ridge Dr.

Mr. Yellick states he is an abutter and also saw the plans. He does not see a reason why the structure should come down and is in favor of the project or be a craft shop. He states it is all woods, and out of view.

Mr. Levy agrees to remove the kitchen in order to solve the problem.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to deny the Variance and grant the Special Permit to build the new single-family residence with the condition to remove the kitchen from the existing cottage. Mr. Semple seconds.

VOTE: (5-0-0)

- 4. 40-21 Karen Duke – Special Permit and/or Variance – 278 Lake Avenue – Map 124, Lot(s) 607, 608 and 609**

Present before the Board:

Brad Bertolo, JC Engineering, Inc.
Karen Duke, 278 Lake Avenue

Mr. Bertolo is representing the applicant. He states the property is shown as Lots 607, 608, and 609 on Assessor's Map 124. He mentions the existing property contains a 1.5 story, single-family dwelling built around 1930 according to the Town Assessor's records. He adds that the applicant would like to raze and rebuild the single-family dwelling on approximately the same non-conforming footprint, while adding an addition that conforms to setback requirements.

Besides adding additional habitable space to the first and second floors, and reconfiguring the location of the bedrooms, the intention of the proposed expansion is to allow for habitable space to be constructed for Ms. Duke's handicapped child. This additional habitable space is proposed in the basement level walkout area of the proposed addition.

The Board has no questions and are okay with what is being done.

No public comment.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to act as it is not substantially detrimental to the neighborhood and it should be a Special Permit. Mr. Conti seconds.

VOTE: (5-0-0)

V. PUBLIC HEARINGS

- 1. 41-21 Trava, Inc. – Special Permit & Site Plan Review – 3119 Cranberry Highway – Map 8, Lot 1019A – Marijuana Establishment**

Present before the Board:

Philip Silverman, Esq., 800 Boylston Street

Attorney Silverman seeks to operate an Adult Use Cultivation and Product Manufacturing Marijuana Establishment and is located in the Strip Commercial zoning district. He states the use of the property for these purposes is permitted through the granting of a Special Permit by the Zoning Board of Appeals.

Attorney Silverman mentions, Trava has entered into a Binding Letter of Intent and Option to Lease a total of 11,835 square feet of the Property, which will be exclusively utilized for Cultivation and Product Manufacturing activities, which will occur on two separate floors. He adds that Trava's full size Floor Plan is included with the submission.

Trava looks forward to siting its proposed Cultivation and Product Manufacturing operations in Wareham, and to becoming a positive contributing member of the business community. Trava has executed a Host Community Agreement with Wareham and submitted an application for an Adult Use Marijuana Cultivation and Product Manufacturing license from the Massachusetts Cannabis Control Commission.

Trava will cultivate, process and package marijuana, and transfer marijuana to other Marijuana Establishments, but not to consumers. He discusses parking as well and facility specifics including security and odor control.

He goes over a Site Plan introduction with the Board in detail.

Mr. Conti asks about the retail space, and Attorney Silverman states their intention is to occupy whatever space is available and amend their lease when additional space becomes available. Ms. Debonise asks about the parking, and Attorney Silverman states this business only needs 12 parking spaces. Mr. Semple asks about the additional space he is looking to lease when it becomes available. Attorney Silverman states it will most likely be office space. More conversation about drop off transactions are discussed.

Based on the technicalities, Mr. Elkallassi does not see an issue with the project. Unlike a dispensary, he does not see any issues with traffic.

The applicants are made aware by the Board if they take on my space, they are to come back as the Special Permit will only cover what they have now. Ms. Debonise also asks about the operating hours, and Attorney Silverman states, 8am – 8pm.

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

VOTE: (5-0-0)

MOTION: Ms. Debonise moves to continue the public hearing to September 22, 2021 to do a bit more research. Mr. Conti seconds.

VOTE: (2-1-2) denied by Mr. Eacobacci, abstained by Mr. Semple and Mr. Elkallassi

MOTION: Mr. Semple moves to grant. Mr. Eacobacci seconds.

VOTE: (2--2) NO VOTE

MOTION: Mr. Elkallassi moves to rescind Ms. Debonise's vote. Ms. Debonise seconds.

VOTE: (5-0-0)

MOTION: Ms. Debonise moves to continue the public hearing to September 22, 2021 to do a bit more research. Mr. Conti seconds.

VOTE: (5-0-0)

2. 42-21 Charles Galvin – Special Permit and/or Variance – 14 Highland Avenue – Map 1, Lot 241 – Reconstruction of Dwelling

Present before the Board:

Charles Galvin, 14 Harrison Street, Canton, MA

Mr. Galvin states he is looking for a Special Permit as he is proposing to demolish the existing first floor, rear living quarter, comprising a kitchen, bath, pantry, and storage area, with the intention of constructing a larger living area addition in the same location. He is looking to improve his summer home. His design team is on zoom if the Board has any questions for them. He is looking for relief as he understands it increases the height of the structure with a new second floor living area and it increases the floor area ratio which are both non-conforming.

Mr. Elkallassi reiterates the specifics of the project. Mr. Galvin mentions he has also included a few letters from direct abutters. Mr. Eacobacci states he has had the experience of similar projects and granting relief, and it really depends on abutters on such projects, but him personally he doesn't really see a problem. Mr. Semple thinks it will be a vast improvement.

Mr. Elkallassi asks the public if there is anyone with any input in favor or against and there is no comment.

Mr. Eacobacci touches base on FAR and he doesn't see an issue. Mr. Conti and Ms. Debonie do not see it as detrimental to the neighborhood.

Mr. Galvin hands the letters in favor of the project to the Board.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to treat it as a Special Permit. Mr. Semple seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Special Permit for the plans as provided with Standard conditions. Mr. Semple seconds.

VOTE: (5-0-0)

3. 43-21 Dennis Millard – Special Permit and/or Variance – 4 Shamrock Circle – Map 119, Lot G-28 – Adding Attached Garage

Present before the Board:

Dennis Millard, 4 Shamrock Circle

Mr. Millard is before the Board requesting permission to construct a new 22'x 26' two-car garage addition on the side of his house and make a bedroom above it because the current house is only a one bedroom. He states the current structure is conforming on three sides, however, the front yard setback fails to meet the requirement. They are also limited to where they can place the garage due to the septic.

Mr. Conti asks the applicant about building specifics, and he is satisfied with the answers. Ms. Debonise asks for the square footage of the existing and Mr. Millard believes it is approx.. 700sq ft.

Mr. Elkallassi believes in his opinion due to the leeching field and septic the applicant has a hardship.

No public input.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Variance for the side setback up to a max of 11ft with standard conditions. Mr. Semple seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant a Special Permit for the front setback as it is not found to be detrimental to the neighborhood as presented. Mr. Semple seconds.

VOTE: (4-0-1) Ms. Debonise abstained

**4. 44-21 Soffron Holdings, LLC. – Variance/Use Variance – 2297 & 2299
Cranberry Highway – Storage Units**

Present before the Board:

Jilian Morton, Esq. 184 Main Street
Timothy Sheehan, Soffron Holdings, LLC

Attorney Morton states she is representing the applicants, Soffron Holdings for a variance for their proposed construction of three new storage buildings on the parcel of land located on Cranberry Highway. She refers to the plans on the screen.

She states the purpose of the buildings will be to house his boats and collectibles. She mentions this will not be a commercial storage facility nor will there be any residential component to the buildings. The applicant has provided pictures of surrounding buildings similar to the build he is looking to construct on the property. She proceeds to add that the land is located on cranberry Highway, a busy commercial area in town and consists of two adjoining lots.

The hardship to the petitioner if not granted is that he will not be able to use the land how he intended to when purchasing it, for storage of his boats and collectibles. His intention is not to

build a residential building, not to get rid of the successful food truck but to be able to store his boats. She insists that this is not for commercial purposes but his own personal and hobby use. She mentions to the board that the applicant has taken into consideration the surrounding neighborhood. There are residential homes across the street.

Mr. Conti asks the applicant for the height of the buildings. They are single story buildings and are away from the road, they are both approximately 14' to 18' on average.

Mr. Sheehan speaks a little bit on the history of his background.

Mr. Elkallasi states he is not in favor of this project in a residential district and is not willing to allow a variance although he is only speaking for himself. Mr. Conti likes the project, although it appears the zone is the only issue. Mr. Eacobacci also gives the applicant a few suggestions but thinks it is stretching the rules around what is allowed in the zoning district.

MOTION: Mr. Eacobacci moves to continue the Public Hearing September 22, 2021. Mr. Semple seconds.

VOTE: (4-1-0) Ms. Debonise denies

5. 45-21 Kevin Connors – Special Permit and Variance – 13 Salt Creek Road – Map 20, Lot L3 & L4 – Add Two Stories to a dwelling

Present before the Board: William Madden, G.A.F. Engineering, 266 Main Street
Mr. Madden states he represents the applicant, Mr. Connors who is proposing to construct a two-story addition on an existing foundation, to reconstruct the second floor and add a storage, mechanical area above for the existing dwelling. A variance is required for an increased Floor Area Ratio from 16.6% to 28.6%. Mr. Madden states the property is located in the R60 zoning district and is a pre-existing, non-conforming lot with a single-family dwelling and has an accessory shed. He mentions the applicant does not comply to setbacks.

He refers to the plans and asks the Board for relief.

Mr. Conti does not see that it is detrimental and doesn't really have any questions. Ms. Debonise agrees. Mr. Eacobacci and Mr. Semple has no questions.

No public comment.

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

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant the Variance. Mr. Conti seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to vote as a Special Permit for the alterations as they find it is not substantially detrimental with standard conditions. Mr. Conti seconds.

VOTE: (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS

VII. ADJOURNMENT

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

VOTE: (5-0-0)

Date signed: 7-13-2022

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

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2022 JUL 14 PM1:09