

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: Wednesday, September 9, 2020

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
Veronica Debonise
Christopher Conti
Walter Cruz, arrives at 6:45pm

Also Present: Ken Buckland, Town Planner

III. PRELIMINARY BUSINESS

1. Approve meeting minutes: August 26, 2020

Minutes were not available

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

Mr. Buckland states he did a site inspection and compared the landscape plan, in which is under the Performance Bond against to what is in place, and had to contact the Representative from Walmart to explain a couple of trees and mulch have to be replaced in order to meet the requirements with the landscape plan. The representative stated, they would proceed with the repairs.

Mr. Elkallassi states the matter will be continued to September 23rd

IV. PUBLIC HEARINGS

1. 17-20 Richard H. & Kim McNair – Special Permit and/or Variance – 34 Mayflower Ridge Dr. – Map 132, Lot MR4

Present before the Board: Richard McNair, 34 Mayflower Ridge Dr
Kim McNair, 34 Mayflower Ridge Dr.

Mr. McNair states he wants to put in a 26x30 steel garage. He would like to place it in the back but states he cannot because of septic and setbacks so he is asking for permission to place the garage in the front. He says that it will not be visible where it will be because there are trees there.

Mr. Eacobacci says that he had reviewed the plans and there is hardship due to the shape of the lot. Mr. Conti says he drove by the property and it appears that the neighbors have done similar

Motion: Mr. Debonise moves forward with the Special Permit as this is not detrimental to the neighborhood. Mr. Eacobacci seconds.

VOTE: (5-0-0)

Motion: Mr. Eacobacci moves to make an adjustment to the Building Commissioners letter and are asking for relief from Section 1353 instead of 1361 as stated. Mr. Debonise seconds.

VOTE: (5-0-0)

Motion: Mr. Eacobacci moves to grant relief as applied followed with standard conditions. Mr. Cruz seconds.

VOTE: (5-0-0)

3. 19-20 Loan Lacoy c/o Lockwood Architects – Special Permit and/or Variance – 15 Cleveland Way – Map 7B-2, Lot 25

Present before the Board: Bill Lockwood, Lockwood Architects
Loan Lacoy, 15 Cleveland Way

Mr. Lockwood states that this property is located on the water in Onset. He states the existing two-family dwelling on the property is in poor shape and they are proposing to renovate and add a garage and a second floor to the existing structure. He states phase 1 is currently under construction which is renovation of the basement level as a by right project. Phase 2 would consist of the renovations to the first floor and addition of a partial second floor, and phase 3 consists of an addition of a garage. Mr. Lockwood states the lot is undersized and their set backs are less than ideal on either side but are not making them worse. They are increasing floor area ratio slightly and although there is no requirement to building coverage, this will be increasing as well. Mr. Lockwood adds that the lot is very steep but also a sloping lot and the only place available to do anything is in the front set back which is where they are proposing to place the garage. He goes over the plans with the Board in further detail.

Present before the Board: Debra Doyle, 6 Cleveland Way

Ms. Doyle states she is the neighbor from across the street. She states she just has a question and wants to know if this is still designated as a two-family home. She is just concerned with parking. Mr. Lockwood says that it is however they are proposing to make it a single family home.

Mr. Conti questions the breezeway and Mr. Lockwood says that the flood zone is the issue. Mr. Eacobacci doesn't find it detrimental. Ms. Debonise has some concerns with the setbacks in the front being decreased substantially. She states it is a lot of building for where it sits. Mr. Cruz questions the south elevation and Mr. Lockwood states that what they are looking at is the east elevation and it's opened underneath.

Present before the Board: Roberta Lynch, 11 Cleveland Way

Ms. Lynch asks on which side of the house is the garage going to sit on and Mr. Lockwood shows the abutter the location of the placement on the map.

Mr. Eacobacci adds to the record that there are three neighbors looking at the plan.

Further conversation ensued to better understand the project, and everyone seems to understand it but Ms. Debonise wants time to look at the neighborhood and wants to feel comfortable prior to giving an approval

Ms. Doyle approaches the Board again and states she is very much looking forward to this improvement and is very supportive of the project.

Motion:

VOTE: (5-0-0)

Motion: Mr. Eacobacci moves to approve as presented. Mr. Conti seconds.

VOTE: (4-1-0)

Motion: Mr. Eacobacci moves to approve as a Special Permit with conditions noted on decision. Mr. Conti seconds.

VOTE: (4-0-1)

4. 20-20 TJP Realty, LLC. c/o Ament Klauer, LLP. – Variance – 13 Over Jordan Road – Map 20, Lot 1026

Present before the Board: Kevin P. Klauer II., Esq. with Ament Klauer LLP
Steve Egans, Architect with Longfellow Design Build

Attorney Klauer starts by introducing himself, Mr. Egans and mentions both the applicant and his wife are also present. He mentions that this application is different than the one that has been before the Board a few weeks prior. He mentions they are seeking to construct a new, single-family dwelling on this lot but a portion of which will exceed the 35' height limitation. He also states that the property is located in a velocity zone, and the house is designed so that the bottom of the lowest portion of horizontal structural members supporting habitable space is at elevation 19', being approximately between elevations 8' and 10'. Attorney Klauer adds the dwelling itself is designed as 30'2" bringing the total height as measured average ground elevation to the highest structural member of the building above 35' height limitation according to Section 621 of the Zoning By-laws. Attorney Klauer continues to describe the property. He says that the premises consist of a large lot, being 5.39 acres and the location of the proposed dwelling is such that it will not impact views from public ways or affect abutting properties. The height of the proposed dwelling is to be approximately to the ridge. He feels as it is important to add that the shape and lot are unique to the zoning district and are disproportionately affected by the flood zone elevation of VE17 and VE18 as the entirety of the lot is impacted by the flood area.

Attorney Klauer hands the Board aerial photographs of the site.

Mr. Conti states he drove by the lot and thinks it is a beautiful lot. He doesn't have any questions. Mr. Elkallassi mentions that he truly believes the plan meets the statute for a Variance and thinks it is not detrimental to the neighborhood.

Mr. Cruz asks some questions regarding the height and Attorney Klauer fulfills his concerns.

Mr. Eacobacci asks for some further detail so he better understands the specifics.

Present before the Board: Mr. Parenteau, owner of the property

Mr. Parenteau mentions that the truth of the matter is, he wanted this property because it is right on the bay and he wanted to add to the town of Wareham.

Motion: Mr. Eacobacci moves to close the public hearing. Mr. Conti seconds.

VOTE: (5-0-0)

Motion: Mr. Eacobacci moves to grant as presented with standard conditions. Mr. Conti seconds.

VOTE: (5-0-0)

V. CONTINUED PUBLIC HEARINGS

1. 16-20 TJP Realty, LLC. – Variance – 13 Over Jordan Road – Map

Present before the Board: Kevin P. Klaur II., Esq. with Ament Klaur LLP
Steve Egans, Architect with Longfellow Design Build

Attorney Klaur requests the hearing to be continued due to quorum.

Motion: Ms. Debonise moves to continue the Public Hearing for September 23, 2020. Mr. Conti seconds.

VI. ANY OTHER BUSINESS/DISCUSSIONS

VII. ADJOURNMENT

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

VOTE: (5-0-0)

Date signed: 10-14-2020

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

Date copy sent to Town Clerk: _____