

WAREHAM ZONING BOARD OF APPEALS

MINUTES OF MEETING

Wednesday, September 22, 2021

Time: 6:30 P.M.

Place: Room 320

Multi-Service Center

48 Marion Road

Wareham, MA 02571

MEETING CALLED TO ORDER @ 6:33PM

Members Present: Nazih Elkallassi, Chairman
Jim Eacobacci, Clerk
Veronica Debonise, Member
Jacob Morrison, Member
Richard Semple, Associate Member
Christopher Conti, Associate Member

I. PRELIMINARY BUSINESS

**MOTION: Mr. Eacobacci moves to vote e-signatures at the Registry of Deeds.
Ms. Debonise seconds.**

VOTE: (5-0-0)

II. 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 to continue Public Hearing to 10.13.21 received via e-mail from Attorney Douglas Troyer*)**

Motion: Mr. Eacobacci moves to Continue to 10.13.21. Ms. Debonise seconds.

(Vote 5-0-0)

- 2. 41-21 Trava, Inc. – Special Permit & Site Plan Review – 3119 Cranberry Highway – Map 8, Lot 1019-A – Marijuana Establishment**

Conti sitting in

Attorney representing Trava presented case.

Mr. Conti is concerned about the odor. Mr. Semple states this was addressed at the last meeting. The attorney states every unit has its own HVAC system, which will handle the odor control. Ms. Debonise states the reason she had asked for the continuance wasn't because she necessarily had more questions but simply because she wanted to do a little more homework. She understands the state puts a lot of the regulations on the applicant. She wants to understand more about the electricity withdrawal. The attorney states there will be generators in place. She states this answers her concerns.

No public comment.

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

Vote (5-0-0)

Motion: Mr. Eacobacci moves to approve the Special Permit with Standard Conditions. Mr. Semple seconds. Approved

Vote (4-1-0) Conti voting against

- 3. 44-21 Soffron Holdings, LLC. – Variance/Use Variance – 2297 & 2299 Cranberry Highway – Storage Units (*Request to continue Public Hearing to 10.13.21 received via e-mail from Attorney Jillian Morton*)**

Motion: Mr. Conti moves to continue to 10.13.21. Mr. Semple seconds.

Vote (5-0-0)

III. PUBLIC HEARINGS

- 1. 46-21 Daniel & Linda Reisner – Special Permit and Variance – 10 Pine Tree Drive – Map 5, Lot LC8-A –Garage Addition
Richard Semple sitting in**

Present before the Board:

Daniel & Linda Reisner, 10 Pine Tree Drive

Ms. Reisner introduces herself and states they plan to construct a 286 sf (13 X 22 ft) addition to the garage portion of their existing house. He mentions the garage extension, will allow them to recover a bedroom that had previously been taken in a renovation for a full bathroom. The addition to the garage will allow for a 2-car garage where the back half of the existing garage was used to create a bedroom and mud room. The bedroom (created in the back of the garage) is necessary to allow for first floor living for Daniel's father (an 87 year old veteran) who has recently moved into the home after becoming widowed. Agreement for this addition will support Daniel's father being able to live on the main floor of the home (and not in the basement) while having use of the accessible full bathroom that was recently renovated for him. At some point, she states, Daniel's dad will not be able to ambulate the stairs from the basement to the main floor of the home.

Mr. Eacobacci inquires about setbacks. At worse, Ms. Reisner states, she will have 15 ft setback and at best case 17ft. where 20 is required.

Mr. Semple states he looked at the property and feels it is not detrimental to the neighborhood. Mr. Morrison has no issues with the project. Mr. Conti and Ms. Debonise has no issues as well.

Present before the Board:

Abutter, 12 Pine Tree Dr.

Abutter at 12 Pine Tree Drive (due to mask could not get name) is in favor of the project. Letter of support also on record.

No additional public comment.

MOTION: Mr. Eacobacci moves to Close Public Hearing. Ms. Debonise seconds. Approved

Vote (5-0-0)

MOTION: Mr. Eacobacci moves to find as a Special Permit. Mr. Semple seconds. Approved

Vote (5-0-0)

MOTION: Mr. Eacobacci moves to Approve with Standard Conditions. Ms. Debonise seconds. Approved

Vote (5-0-0)

- 2. 47-21 Stephen Hurlburt – Variance – 2691 Cranberry Highway – Map 132B, Lot 1 – Legalize an already built structure
Chris Conti sitting in**

Present before the Board: Stephen Hurlburt, 54 Portside Dr. Pocasset, MA
John Ditalia

This is the Shenanigans Bar and Grill. A rear patio was enclosed without a building permit.

Mr. Hurlburt states the barrier wall was put up behind the building years ago for sound purposes. He states the building permit was issued previously by a previous commissioner and the barrier was never there and the Variance was never there but Mr. Hurlburt states the wall was put in place of another fence that was there previously.

There is some confusion as to where the problem lies as no active permit exist for the creation of the structure. The Board agrees.

MOTION: Mr. Eacobacci moves to continue the hearing to 10/13/2021 and in the interim to take a site visit to the location with the Building Commissioner. Mr. Morrison seconds – Approved Vote

Vote (5-0-0)

- 3. 48-21 Joyce Wall – Special Permit and/or Variance – 14 North Boulevard – Map 1, Lot 374 - Raze and Reconstruct
Richard Semple sitting in**

Present before the Board: Samuel Iamele, JC Engineering, Inc

Mr. Iamele of JC Engineering, Inc is representing the applicant requesting a Special Permit to raze and rebuild on approximately the same non-conforming footprint side setback from 2.4' to 2.5', with the addition of a deck on the rear of the structure. He mentions they propose a 3 story dwelling to be constructed in place of the existing 1 & ¾ story dwelling. Due to the property being within a flood zone, the lowest habitable floor of the proposed dwelling will need to be built approximately 10 feet above grade level, creating a full height, 1 story lower enclosure but this will not be living space. This is required per FEMA and state building code. He adds that as far as the proposed deck, he feels it will not be more detrimental to the public good and will not derogate from the intent of the bylaw. He mentions this can be proven due to the fact that the building coverage, as proposed, is similar to the building coverage of nearby properties in the neighborhood.

Mr. Semple states he drove by and feels it is a tight fit in that neighborhood but all very comparable lots. They discuss the living space. Mr. Morrison likes the project. Mr. Conti does not see any issues with the project. Ms. Debonise is not clear on what is existing. Mr. Iamele explains the existing and the proposed. Ms. Debonise would like to see it move over so it is more conforming and Mr. Morrison adds that in his opinion it would disturb their parking.

No Public comment.

Mr. Iamele asks the Board, if in the event the project gets approved, if he can get the Board's approval to have two years to start the project due to the applicants living out of state and the need to still have to obtain Conservation approval. Mr. Elkallassi states if the Board approves a Special Permit, it is an automatic two years. If Variance, he will need to request an extension.

MOTION: Mr. Morrison moves to close the Hearing. Mr. Eacobacci seconds. – Approved

Vote (5-0-0)

MOTION: Mr. Morrison moves to find as Special Permit. Mr. Eacobacci seconds – Approved

Vote (5-0-0)

MOTION: Mr. Morrison moves to Approve as Presented. Mr. Eacobacci seconds. – Approved

Vote (4-1-0) – Ms. Debonise voting against

IV. ANY OTHER BUSINESS/DISCUSSIONS

Discussed recommendation to Board of Selectmen for person to become a regular member.

MOTION: Mr. Eacobacci moves to recommend Richard Semple – Mr. Morrison seconds. Approved without a quorum.
Regular members

VOTE: (2-1-1)

V. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Ms. Debonise 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 PM 1:10