

**MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS**

**Date of Meeting: Wednesday, September 23, 2020**

**I. CALL MEETING TO ORDER**

The meeting was called to order at 6:35 P.M.

**II. ROLL CALL**

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

Also Present: Ken Buckland, Town Planner  
Charles Rowley, Town Engineer

**III. PRELIMINARY BUSINESS**

**1. Approve meeting minutes: August 26, 2020**

**Motion: Mr. Eacobacci moves to approve the meeting minutes for August 26, 2020. Mr. Semple seconds.**

**VOTE: (5-0-0)**

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

Mr. Elkallassi tables this matter until the end of meeting.

Mr. Buckland mentions that work has not been done yet

**Motion: Mr. Eacobacci moves to continue this matter. Mr. Cruz seconds**

**VOTE: (5-0-0)**

**IV. PUBLIC HEARINGS**

**1. 21-20 Howard Marcley Jr. – Variance – 10 Thirteenth Street –Map 1, Lot 344**

Present before the Board: Howard Marcley Jr., 40 Williams St., Beverly MA  
Dominic Cammarano, 22 West Blvd., Onset, MA

Mr. Marcley states that he is looking to build a house on the property. Mr. Elkallassi gives a bit of background information regarding the property and knows there is hardship. The Board reviews the plans.

Present before the Board: Holli Van Nest, 12 Thirteenth Street

Ms. Van Nest states she is against the project and has a letter from a neighbor, Ralph Pickett, 8 Thirteenth Street, whom could not be present due to a quarantine situation. Ms. Van Nest reads the letter into the record. The letter mentions concerns with the height of the proposed dwelling, causing shade on tail end of day creating a financial impact, drainage concerns, and raising of lot.

Ms. Van Nest calls the attention of the Board to Article 2. She states that the house that is being proposed would be extreme density development and not moderate. She proceeds to read sections from the zoning by-laws including building coverage. She is also concerned about drainage issues and shade causing her to lose not only the natural sunlight, but also a detrimental impact on her gardens. Mr. Elkallassi mentions that he understands the abutters concerns.

Mr. Elkallassi makes a suggestion to the applicant/builder that he eliminate the third floor and that he will be able to entertain a variance to encroach setbacks and as far as drainage, they will condition gutters with drywells to address the issue. Mr. Marcley is not very pleased with the suggestion and mention she has six (6) grandchildren and this will limit the amount of bedrooms.

Mr. Cruz talks about the height situation. He is partial to the suggestion but talks about the elevation specifics due to flood.

Mr. Conti states that he drove by the area and feels as if the proposed house is a bit high for the neighborhood. Mr. Debonise agrees with Mr. Elkallassi suggestion to remove the top floor and adds that the neighbors have valid points. Mr. Eacobacci asks for clarification regarding building coverage and it appears that Mr. Marcley is asking for too much for the lot. Mr. Buckland adds more about the FAR. Mr. Morrison asks if there is a way to shrink the footprint of the house and keep the third floor, but Mr. Elkallassi states that it is too evasive to the neighbors. Mr. Semple states he would be ok if the roof ridge was redesigned which would drop down the height.

The Board has agreed to allow Mr. Marcley to come back with revised plans

**Motion: Mr. Eacobacci moves to continue to 10/14/2020. Mr. Debonise seconds.**

**VOTE: (5-0-0)**

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

Present before the Board: Jillian Morton, Esq  
Fred Mannix, 188 North Street, Boston, MA

Attorney Morton introduces herself and states she is representing Mr. Mannix regarding the application to build an assisted living facility on Lots 1100A & 1101A. She talks about her client's background and that he is a successful real estate builder and developer for over 47 years. She mentions that the property in question is comprised of two parcels located on Sandwich Road. Mr. Mannix purchased the property years ago with the hope of developing a project that would be appropriate for the location and take advantage of its proximity to highway access, Wareham Center and Tobey Hospital.

Attorney Morton mentions that the proposed development will take place on a lot that contains approximately 83,601 square feet with frontage and adds that they are proposing to build a building with a footprint area of approximately 23,326 square feet. She also mentions that the building would house a

state of the art Assisted Living Facility that they feel is an appropriate use for the site and will help to fill the current need and expected future need for the essential service in the Town.

She states they have received a refusal letter that requires a Special Permit/Variance because as to the setback requirement for the proposed accessory building on the property under CS table 623 from 10 feet to 7 feet. The Variance is requested to enable additional maneuvering room for fire apparatus as recommended by the Wareham Fire Department. In addition to these matters, Attorney Morton adds that they are also asking for a Site Plan Review as part of the application.

Mr. Eacobacci asks for exact location details for his better understanding. Mr. Mannix starts the introduction regarding the property and proposed plans. He goes into full detail about elevation and parking concepts. He mentions there will not be any parking in front of the building and many trees. Mr. Eacobacci also asks about the garage and basement. Mr. Mannix states there will be no basement. Mr. Elkallassi states if he considered underground parking, this would fix the height issue and Mr. Mannix states that there is plenty of parking on the premises. Conversation ensued regarding the details of the project.

Mr. Elkallassi asks about rooms and Mr. Mannix states there will be 86 rooms, 1-bedroom units. Mr. Elkallassi is wondering about density and how specifics were determined and what is really allowed. Mr. Buckland states the only requirement in the by-laws that is addressed is that each unit needs to meet a minimum of 650 sq. ft. exclusive of closets and bathrooms per unit. Mr. Mannix mentions that he has an approval from the sewer department. Mr. Elkallassi turns to the Board for questions and/or comments.

Mr. Cruz has a conflict with the project and asks to be excused. Mr. Conti states he is curious to the underground parking and asks where it is located and Mr. Mannix says it is on the east side. Ms. Debonise is also curious regarding density and has many other questions but needs more time to learn about the project. Mr. Eacobacci asks questions about the solarium. Mr. Mannix explains in full detail and a possibility of adding a community kitchen area.

Mr. Morrison is wondering what is on the property now and Mr. Mannix states it is a vacant piece of land. He likes the idea of the proposed project. Mr. Semple also asks some questions about the facility. Mr. Elkallassi questions Mr. Mannix regarding the landscape architect and one will be provided. Attorney Morton also adds they are working very closely with the Fire Department. Conversation ensued about parking.

Present before the Board: Livia DaSilva, 241 Sandwich Road

Ms. Dasilva states that she lives directly across the project and is concerned with traffic on Sandwich Road. She describes it as what is going to be an eye sore. She says the traffic is already bad as it is. Mr. Eacobacci asks for a traffic study.

Present before the Board: Walter Cruz, 204 Sandwich Road

Mr. Cruz objects to this project being a resident within the neighborhood. He is concerned with the septic. He says there is an issue with the treatment plant and is concerned about handling a building of this size. He says this is detrimental to the neighborhood. Mr. Cruz describes this as an institutional and is not happy living near it.

Present before the Board: David Dickson, 5 Plymouth Road

Mr. Dickson says his property abuts the triangle and refers to it as a pit. He says it is about a 15ft hole. He brings up the access to the facility on Plymouth Road and is not happy about it. He says the road is falling apart. Mr. Elkallassi states he will confirm but he says that it will primarily be an emergency access. He would like to see minimal access on the road. Mr. Dickson does not like losing his privacy and also talks about trash and wants to know dumpster location since it is up against his backyard.

Mr. Rowley states he wrote a letter stating that he does not have enough and complete information to provide a full report for the Site Plan. He mentions that because of the land configuration, it is not unique to this site. He is not ready to provide a full recommendation without the details including curb cuts.

Mr. Conti would like to see more of the design with details. He would like to see more of a Cape Cod style than the industrial look. Ms. Debonise also agrees and would like to see less units and keeping the solarium. She also wants to see landscaping and says right now its very prison like.

Mr. Eacobacci sees potential and is looking forward to see all the details. Mr. Morrison Mr. Semple talks about the kitchenettes in the rooms and questions the need for the common kitchen. Mr. Mannix states that it is for their independence. Mr. Buckland suggests presenting the grade and location of the building as well as landscaping along with a legal analysis on the density and how it applies in this particular instance.

**Motion: Mr. Morrison moves to continue the public hearing for October 28th. Mr. Eacobacci seconds.**

**VOTE: (4-0-0)**

**3. 23-20 David Halberstadt – (2) Special Permits and/or Variance – 6 West Boulevard – Map 1, Lot 519**

Present before the Board: Jillian Morton, Esq  
David Halberstadt, 6 West Blvd.  
Amanda Cobb, 6 West Blvd.

Attorney Morton starts by intruding herself and states she represents David and Amanda who are proposing to construct a garage on their property. They are proposing to connect the garage to the main part of the building. The purpose of the garage on the second floor will be for a garage space and that there will be no living space above the garage. She proceeds to add that they are longtime residents of Onset with a history of civic engagement in the town. Attorney Morton mentions that the lot itself is undersized like the majority of the lots in Onset Village, currently with a building coverage of 24.9% and the zoning requirements being 20%. She says similarly, the maximum FAR for the lot is 26% and the proposed build would put it up to 33.5% a less than 10% increase. She reminds the Board that this type of build is not outside the norm for Onset. Attorney Morton also mentions she has five letters of support for the project and offer them into the record.

The Board has no questions or comments about the project.

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

**VOTE: (5-0-0)**

**Motion: Mr. Eacobacci moves to treat this as a Special Permit. Mr. Cruz seconds.**

**VOTE: (5-0-0)**

**Motion: Mr. Eacobacci moves to approve as presented with standard conditions. Mr. Cruz 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. Klauer II., Esq. with Ament Klauer LLP

Mr. Elkallassi excuses himself from this public hearing due to not being present at the initial meeting. Mr. Eacobacci takes over.

Attorney Klauer reminds the Board that the re applying for a Variance for an accessory structure. He adds that since the last time, he was presence before the Board, the proposed height of the barn was 25' high, they were able to modify the design and bring the barn size down to 21'8", and hands revised plans to the Board. Attorney Klauer mentions that the barn will be to store a sizeable amount of equipment including a tractor.

Mr. Eacobacci states that by law they can be at 20' tall so they are only really looking for a variance for 1'8" on a structure on multiple acres. The Board does not see an issue now do they have any questions.

**Motion: Ms. Debonise moves to close the Public Hearing. Mr. Semple seconds.**

**VOTE: (5-0-0)**

**Motion: Ms. Semple moves to approve the plan drawn on 9-9-20 with standard conditions. Mr. Conti seconds.**

**VOTE: (5-0-0)**

**VI. ANY OTHER BUSINESS/DISCUSSIONS**

**Motion: Mr. Eacobacci moves to have a special meeting on November 18<sup>th</sup> due to holidays. Ms. Debonise seconds.**

**VOTE: (5-0-0)**

**VII. ADJOURNMENT**

**Motion: Mr. Eacobacci moves to adjourn. Ms. Debonise seconds.**

**VOTE: (5-0-0)**

Date signed: 10-14-2020

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

Date copy sent to Town Clerk: \_\_\_\_\_