

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

**Date of Meeting: September 27, 2017**

### **I. CALL MEETING TO ORDER**

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

### **II. ROLL CALL**

Members Present: Nazih Elkallassi  
Jim Eacobacci, Clerk  
Karl Baptiste  
Wilma Engerman  
Jacob Morrison, Associate

Also present: Charles Rowley  
Ken Buckland, Town Planner

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: September 13, 2017**

**MOTION:** Mr. Eacobacci moves to approve the minutes as presented. Mr. Morrison seconds.

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

#### **B. Petition #6-15 - Road Construction Bond Release – CEC Solar – 127R Marion Road**

Mr. Rowley states the road construction is complete. Mr. Elkallassi asks if the applicant had completed the landscaping plan. Mr. Rowley states that the landscaping was completed, but there were some small changes that didn't conform to the plan. Also, due to the rain some places needed to be re-seeded. There were some berms along the backside that had riprap stone instead of loam and grass, which was not in conformance with the plans, which was pulled out and hydroseeded. There were some dead trees that needed to be replaced. Mr. Rowley has not returned to see the improvements to the landscaping.

Mr. Elkallassi recommends continuing the release until Mr. Rowley has an opportunity to return to view the site. Mr. Eacobacci recommends holding this bond until the landscaping is done, since there is not a separate landscaping bond. Mr. Baptiste says he doesn't believe they can hold the bond if the road construction is complete. Mr. Elkallassi suggests continuing the release until the next hearing.

### **III. PUBLIC HEARINGS**

#### **A. Petition #29-17 – Dorothy Schnetzer – 31 Priscilla Avenue**

Present before the Board: Brad Bertolo

Mr. Bertolo requests for a continuance.

**MOTION:** Mr. Eacobacci moves to grant to continuance until October 11, 2017.

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

**B. Petition #32-17 – Dean Gilhooly – 18 Pine Lake Drive**

Present before the Board: Dean Gilhooly

Mr. Gilhooly is requesting to construct a screened in porch. Mr. Elkallassi states that due to the setback requirements this requires a Special Permit. Mr. Rowley notes that the porch crosses the leeching field, but that is ultimately the purview of the Board of Health if that is allowed. Mr. Elkallassi states that Mr. Gilhooly will need to obtain an engineered plan showing the deck.

Mr. Gilhooly states that he was told by the Board of Health that the deck did not interfere with the leeching field.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until October 11, 2017 for the applicant to appear with an engineered plan. Mr. Baptiste seconds.

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

**C. Petition #33-17 – Angelo & Melody Salvadore c/o Michael Saraive – 15 South Boulevard**

Present before the Board: Amy Fantone  
Michael Saraive

The applicant is looking to add a second level to the existing house. This is a pre-existing non-conforming lot. Mr. Eacobacci states he does not feel this would be a detriment to the neighborhood.

Present before the Board: Abutter

The abutter gives a brief overview of her recollection of the history of the house. The abutter states that her water view would be impeded by the second floor addition. The abutter believes there are already 7 zoning non-conformances on the lot.

Ms. Fantone asks if she could continue the public hearing.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until October 11, 2017. Mr. Baptiste seconds.

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

**D. Petition #34-17 – Robertson's Realty Corp. c/o Leonard Bello – 2680 Cranberry Highway**

Mr. Elkallassi asks the Board to review the Solar By-Law before opening this public hearing. In Section 1125A it states "In those instances where the strict application of this article would be impractical, impossible, or create undue hardship, a majority vote of the Zoning Board of Appeals may permit variances from this article". Mr. Elkallassi states that this does not need a super majority, just a majority vote for a Variance. Mr. Elkallassi asks his Board if they are in agreement with that finding. The Board does agree.

Present before the Board: Leonard Bello, attorney  
Howard Robertson

Scott Robertson

The applicant is proposing to construct a double-sided digital billboard.

Mr. Elkallassi notes that he will site on this hearing but cannot vote due to a conflict with his relationship with Attorney Bello.

Attorney Bello states that the property is located on Cranberry Highway and runs to Route 25. For a number of years there was a sign for Robertson's Auto Salvage on Route 25 that has since deteriorated and became a steel frame. The newly proposed billboard would be visible to people traveling to and from the Cape. The Town would receive 5 hours a month of free advertising on the sign. The Town would also receive a linkage fee.

The applicant is seeking a height and area variance, a variance from signs that flash, have lights, motorized or moving parts.

The proposed billboard faces would be 14'x48' and will be less than 125' tall.

Attorney Bello notes that the sign will also require state highway approval.

Mr. Elkallassi asks the applicant how far the sign is from the highway.

Present before the Board:        Robert Cohen  
   Michael Cohen

Mr. Cohen states that the sign would be 40'-50' from the highway.

Mr. Elkallassi asks if the sign falls how it would be prevented from falling on the highway.

Mr. Cohen states these are designed to collapse and not tip if it were to become structurally unstable.

Mr. Elkallassi states that he would be in favor of the sign. Mr. Elkallassi asks if anyone would like to speak in favor or against the project.

Present before the Board:        Derek Sullivan, Town Administrator

Mr. Sullivan states the Board of Selectmen have submitted a letter to the Zoning Board of Appeals that the Selectmen have voted in favor of the construction of the sign.

**MOTION:     Mr. Eacobacci moves to close the public hearing. Ms. Engerman seconds.**

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

**For the record Mr. Morrison is voting in place of Mr. Elkallassi.**

**MOTION:     Mr. Eacobacci moves to grant the applicant a Variance with the condition that it comply with all local and state building codes. Mr. Baptiste seconds.**

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

#### **IV.     CONTINUED PUBLIC HEARINGS**

**E. Petition #31-17 – J. Donegan – 2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road**

The applicant has requested a continuance.

**MOTION:** Mr. Eacobacci moves to continue the public hearing until October 11, 2017. Mr. Baptiste seconds.

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

**V. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**

**A. Letter of Support for Open Space and Recreation Plan**

**MOTION:** Mr. Eacobacci moves to sign the letter of support for the Open Space and Recreation Plan. The motion is seconded.

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

**B. Correspondence**

1. See correspondence sent via email and/or in packets.

**C. Upcoming Hearings:**

October 25, 2017	#35-17	Special Permit/Variance	James Caporiccio c/o Leonard Bello	5 Albatross Avenue
October 25, 2017	#36-17	Special Permit/Variance	Ken Deluze	2 Agawam Beach Road
October 25, 2017	#37-17	Special Permit/Variance	Carlos & Mary Esteves	7 Beach Street

**D. Decision Deadlines**

December 26, 2017 – Special Permit / January 5, 2017 - Variance	#29-17	Special Permit/Variance	Dorothy Schnetzer	31 Priscilla Avenue
60 Days from Close of Public Hearing	#31-17	Site Plan Review	J. Donegan Company	2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road
December 26, 2017 – Special Permit / January 5, 2017 - Variance	#33-17	Special Permit/Variance	Angelo & Melody Salvadore c/o Michael Saraive	15 South Boulevard
December 26,	#34-17	Special	Robinson's	2680 Cranberry

2017 – Special Permit / January 5, 2017 - Variance		Permit/Variance	Realty Corp. c/o Leonard Bello	Highway
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VI. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.

VII. ADJOURNMENT

**MOTION:** Mr. Eacobacci moves to adjourn the public hearing. Motion is seconded.

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

Date signed: 10-25-2017

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

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