

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: Wednesday, October 9, 2019

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
Jan Kendrick
Walter Cruz, Jr., Associate Member

Also Present: Ken Buckland, Town Planner

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: September 25, 2019

MOTION: Mr. Elkallassi moves to approve the meeting minutes from September 11, 2019. Ms. Kendrick seconds.

VOTE: (4-0-0)

B. Request for Bond Reduction – Wareham Market Place

Present Before the Board: Zack Richards, Bowler Engineering

Zack mentions he is representing the Developer for Wareham Market Place, J. Donegan Co. He reminds the Board that this has been an ongoing project that started back in 2015 and they are finally wrapping up the project. He states that the Performance Bond that was obtained in 2017 is expiring the first week of November and they are so close to being done with the site work and landscaping by mid-November with the last two buildings that should be completed by end of year so unfortunately they do need to renew the Bond since they will not be completely done when it expires and they are seeking a reduction. Mr. Richards provides the Board a cost estimate showing what work remains and what is to be completed over the last two years. Mr. Richards runs through the site plan. The Board discusses the Bond.

MOTION: Mr. Cruz moves to reduce the bond for Wareham Market Place from its existing \$411,608.00 to a new figure of \$175,000.00. Ms. Kendrick Seconds.

VOTE: (4-0-0)

Veronica Debonise joins the Board.

IV. PUBLIC HEARINGS

A. 36-19 Peter Gold – 15 Third Street – Variance

Present before the Board: Peter Gold, 15 Third Street, Onset, MA

Mr. Gold mentions that he needs a shed in his back yard and needs the Boards permission to place one there. Mr. Eacobacci states that according to the Building Inspector, Mr. Gold is proposing a 26 building coverage where only a 20% is allowed and he is over by 6% over the lot coverage so a variance is needed from 20% to 26%. Ms. Kendrick asks about the photos that are included with the application and Mr. Gold states that they are an indication of where he would like the shed to be and showing that it wouldn't block anyone's view.

Ms. Debonise asks if he intends to store a car there, and Mr. Gold says, no. He says that he spends \$3,000 Dollars or more to store materials off site and he would be able to store them in this new shed. It is more so for spinning wheels, loom, and materials. His wife is a Spinner.

Mr. Elkallassi advises the Board that under Article 13 Section 52, it will be difficult to prove and grant the Variance, but if the Board feels if in a non-conforming structure has no encroachment, the Board has the right to decide a Special Permit or a Variance and Mr. Elkallassi states he would feel more comfortable with a Special Permit.

Mr. Buckland reads a letter from a neighbor named Diane Yarrington into the record. The neighbors' concerns have to do with brush between the fences.

MOTION: Ms. Kendrick moves to close the Public Hearing. Mr. Elkallassi seconds.

VOTE: (5-0-0)

MOTION: Mr. Elkallassi moves to approach as a Special permit. Mr. Cruz seconds.

VOTE: (5-0-0)

MOTION: Mr. Cruz moves to grant the Special Permit with the condition to adhere to the neighbor's letter to prune the shrubs and vines. Ms. Kendrick seconds.

VOTE: (5-0-0)

B. 37-19 Kenneth & Teresa Lovely – 5 Priscilla Avenue – Special Permit or Variance

Present before the Board: Kenneth Lovely
Teresa Lovely
Edward Angley, Esq.

Mr. Angley mentions that he represents the petitioner and his wife Teresa Lovely. He states that they have sold their house in Plymouth and have moved in to this one and are making it their permanent residence but they need to renovate it. Mr. Lovely mentions it is very small and they need more room, as it is only 550 sq. ft. They are seeking to add a second floor to their cottage without changing the footprint. Mr. Angley reads a letter previously written that is attached to the application regarding the project specifics. Conversation ensued.

Ms. Debonise asks regarding Table 628. She is not clear as to why this is referenced. Mr. Buckland explains and the Board clarifies. Mr. Eacobacci mentions that he thinks the Building Inspector and the Board feels as though this is a perfect candidate for a Special Permit and not a Variance as Denial Letter from the Building Commissioner specifies. Mr. Lovely is only over by 100sq feet which isn't a lot. Mr. Cruz states there are plenty of two-family stories in the neighborhood.

MOTION: Ms. Kendrick moves to close the Public Hearing. Mr. Cruz seconds.

VOTE: (5-0-0)

MOTION: Mr. Elkallassi moves to find the renovation will not be substantial or more detrimental to the neighborhood. Ms. Kendrick seconds.

VOTE: (5-0-0)

MOTION: Mr. Cruz moves to grant the Special Permit. Mr. Elkallassi seconds as presented.

VOTE: (5-0-0)

**C. 39-19 Andrew & Cory Pelletier, Trustees of Sea Breeze Realty Trust, c/o Raymond Pelletier
– 8 Rollins Way – Special permit or Variance**

Present before the Board: Anthi Frangiadis, Architect
Brian Grady - G.A.F Engineering, Inc.

Ms. Frangiadis mentions that she is representing Cory and Andrew Pelletier and that they are seeking to demolish and reconstruct a pre-existing, non-conforming single-family dwelling that is also non-flood compliant. She states that she has some plans to bring forward to the Board. Ms. Frangiadis mentions that the new structure will be on stilts with a garage below and an enclosed screen porch. The proposed first floor elevation is 18 and the Flood Zone is AE16. The front yard setback will also be improved although within compliance, but they are here for a Special Permit for the side yard setback. Mr. Eacobacci asks is Conservation is ok with this project, and Mr. Brady states the Conservation Commissioner has approved the Plans before the Board. Mr. Eacobacci asks for the size of the existing structure and Ms. Frangiadis says the existing footprint is about 2200 sq. ft. and the new one will be 1500 sq. ft. but it will be two-stories versus the one story existing structure. Ms. Kendrick just reiterates for confirmation and states that they are increasing the non - conformity side yard setback by 1 sq. ft. and Mr. Grady says that is correct.

MOTION: Ms. Kendrick moves to close the Public Hearing. Mr. Cruz seconds.

VOTE: (5-0-0)

MOTION: Ms. Kendrick moves to approve the Special Permit with standard conditions as per plans presented. Ms. Debonise seconds.

VOTE: (5-0-0)

**D. 40-19 Raymond & Donna Pelletier, Trustees of Pelletier Realty Trust – 6 Rollins Way –
Special Permit or Variance**

Present before the Board: Anthi Frangiadis, Architect
Brian Grady - G.A.F Engineering, Inc.

Ms. Frangiadis mentions that she is representing Mr. And Mrs. Pelletier and they are seeking to add an addition to a single-family dwelling. The proposed addition will require a Special Permit under Article 6, Table 621 and Article 13, Section 1361 on a pre-existing, non-conforming structure side yard setback. Ms. Frangiadis states that this structure is being renovated. The dwelling and the existing geometry for this specific property is unique. She mentions the almost triangular addition is mirroring the opposite wing of the house.

MOTION: Ms. Kendrick moves to close the Public Hearing. Mr. Cruz seconds.

VOTE: (5-0-0)

MOTION: Ms. Kendrick moves to approve the Special Permit with standard conditions per plans presented. Mr. Cruz seconds.

VOTE: (5-0-0)

E. 41-19 Kimberly Lonis-Scheub – 150 Pinehurst Dr. – Special Permit or Variance

Present before the Board: Kimberly Lonis-Scheub

Ms. Scheub states she is looking to build a second floor in her 758sq. ft. home due to family growth. She has obtained an elevation certificate and is not increasing the footprint or changing the setback. The Board feels as this is not substantially more detrimental to the neighborhood.

MOTION: Ms. Kendrick moves to close the Public Hearing. Mr. Cruz seconds.

VOTE: (5-0-0)

MOTION: Ms. Kendrick moves to approve the Special Permit with standard conditions per plans presented. Mr. Cruz seconds.

VOTE: (5-0-0)

F. 42-19 W. Robert Kellegrew & Susan Dullea – 10 Second Street – Special Permit or Variance

Present before the Board: W. Robert Kellegrew
Susan Dullea
Rene Moniz Esq.

Ms. Moniz states she is here today to request a Special Permit. The proposed improvement is to add a half bathroom to the dwelling. She mentions that this is not going above the ridge of the roof and not increasing height.

Mr. Elkallassi speaks into the record to mention that there are four (4) letter from nearing neighbors that they are in favor of the project.

MOTION: Ms. Kendrick moves to close the Public Hearing. Mr. Cruz seconds.

VOTE: (5-0-0)

MOTION: Ms. Kendrick moves to approve the Special Permit with standard conditions per plans presented. Mr. Cruz seconds.

VOTE: (5-0-0)

V. CONTINUED PUBLIC HEARINGS

VI. ANY OTHER BUSINESS/DISCUSSIONS

A. New Member Application, Russell Motto.

Mr. Elkallassi mentions that the Selectmen now require the Applicant to meet with the Board prior to being considered as a member but he did not attend the meeting tonight. Ms. Kendrick reads a letter from the Applicant into the record. Ms. Kendrick states he sounds like a qualified candidate.

MOTION: Ms. Kendrick moves to recommend the Boards stamp of approval to the Board of Selectman. Mr. Eacobacci seconds.

VOTE: (5-0-0)

VII. STAFF REPORT

VIII. ADJOURNMENT

MOTION: Ms. Kendrick moves to adjourn. Mr. Cruz seconds.

VOTE: (5-0-0)

Date signed: 11-13-2019

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

Date copy sent to Town Clerk: _____

