

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: Wednesday, April 24, 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
Jake Morrison
Veronica Debonise
Walter Cruz Jr., Associate

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

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: April 10, 2019

The meeting minutes are tabled until the following hearing.

VOTE: (5-0-0)

B. Discussion and possible vote: Reorganization and Meeting Conduct

The Board will wait until a fifth Board member is elected before reorganization commences.

II. PUBLIC HEARINGS

A. 14-19 – Christopher and Maria Sheppard -- 24 Pinehurst Drive

Present before the Board: Christopher and Maria Sheppard

Mr. Shepard would to extend his eight feet wooden deck an extra three feet over an existing 23x13 patio. Though the plan sounds simple, Nazi insists that a surveyor plan be provided for the building inspector to avoid potential problems.

Mr. Eacobacci, Ms. Kendrick and Ms. Debonise are in favor of the project proceeding as is. Chairman Elkallassi is opposed to the project proceeding in its current state. While Mr. Morrison agrees with Chairman Elkallassi, he concurs that getting a surveyor plan made will cost the applicant a lot of money.

MOTION: Mr. Eacobacci moves to close the hearing. Mr. Morrison seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci motions for this to be considered a special permit and not a variance. Ms. Debonise seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci motions that the board grant relief on Article 6, Table 6:21 of the Wareham Zoning Bylaws on the setbacks and allow the applicant to his extend his deck three feet more toward the seawall but not encroaching on the sidelines by an inch.

Ms. Debonise asks that a hand-drawn plan be made part of the file permanent so the inspector has access to it. Board initials the plan to be attached.

MOTION: Mr. Eacobacci moves to grant the applicant his request based on these conditions. Mr. Morrison seconds.

VOTE: (4-1-0)

B. 12-19 – Belinda and Anthony Flynn -- 1 Skippers Way

Present before the Board: Belinda and Anthony Flynn

The applicants are petitioning for a special permit from the requirements of Article 3, Table 3:20, Article 3, Section 3.2 and Article 14, Section 14:60 of the Wareham Zoning Bylaws. Applicants are seeking to create a non-commercial animal kennel for more than three dogs. The applicants have a kennel license in Randolph and show dogs as a hobby. The dogs have aged out so the applicants are looking to provide them a place to stay.

Mr. Eacobacci asks the applicants how many dogs they plan on having. The applicants explain that they have seven dogs that they want to transfer from Randolph to Wareham and are looking to acquire a puppy.

Ms. Debonise asks the applicants how big their current lot is to which Anthony responds 1.54.

Pamela Hamlet presents herself to the board. She inquires about what types of dogs the applicants own and if they plan to acquire more than eight dogs in the future. Mr. Flynn clarifies that the dogs are all terriers ranging from 15-60 pounds and that they will never have more than eight dogs.

Ms. Debonise asks about the structure of the Kennel to which the applicants clarify that no additional structure is being built. The special permit is simply to allow them to own up to eight dogs.

MOTION: Ms. Kendrick moves to close the public hearing. Mr. Morrison seconds.

VOTE: (5-0-0)

MOTION: Ms. Debonise moves to grant applicants the special permit. Mr. Cruz Jr. seconds.

VOTE: (5-0-0)

C. 1-19 – Jessica Nassif -- 34 Hammond Street

Present before the Board: Jessica Nassif

Applicant wants to extend her deck ten feet to bridge a gap between a raised patio in the back and her existing deck. Applicant has a survey plan of the old deck, which was requested at a prior town meeting, to present to the board.

MOTION: Mr. Eacobacci moves to close the hearing. Ms. Debonise seconds.

VOTE: (5-0-0)

MOTION: Ms. Kendrick moves to treat the request as a special permit. Mr. Eacobacci seconds.

VOTE: (5-0-0)

MOTION: Mr. Eacobacci moves to grant the request as a special permit with standard conditions. Chairman Elkallassi suggests the inclusion of the date on the document. Ms. Kendrick seconds.

VOTE: (5-0-0)

D. 23-18 – Grosso

Applicant has requested a continuance to May 30. Chairman Elkallassi moves for a motion to grant the applicant an extension to May 22.

MOTION: Mr. Eacobacci moves to grant the applicant an extension to May 22. Motion is seconded.

VOTE: (5-0-0)

E. 13-19 – 2416 Cranberry Highway, LLC 2416 Cranberry Highway

Present before the Board: Luke Distefano, Engineer
 Robert Perry, Attorney

Applicant has requested a special permit from the requirements of Article 9, Table 9:21; Article 11, Section 1126; Article 14, Section 1470; and Article 15, Section 1520 of the Wareham Zoning Bylaws seeking to raise a single pump filling station and replace it with a new convenient store and five pump filling stations.

Applicant wants to take over the Maxi Gas Station and replace it with a convenient store. Mr. Perry has requested deviations as to the signage and parking for the lot; Mr. Perry explains that the bylaw authorizes these alterations as deviations. Mr. Perry and the applicant have plans to present to the Board. They also have a letter from the owners of the property (2416 Cranberry Highway) to proceed with the project.

Mr. Distefano, an engineer on the project, provides a detailed presentation to the board illustrating the proposed changes to the lot as well as enhancements to the landscaping and improvements to utilities and lighting. The proposal contains a request for a variance on the parking spaces (33 as opposed to 36) in the lot. The proposal also looks to create additional turning lanes out of Tow Road.

Mr. Cruz Jr. is concerned with the height of the sign as presented in the plan. A traffic report is presented by Mr. Charles Rowley to the board; a safety concern is raised regarding the increase in traffic around the access point near the intersection (the south entrance). A request is made that the plan be modified to

A. Board Roles and Responsibilities

VI. NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.)

VI. ADJOURNMENT

MOTION: Mr. Eacobacci moves to adjourn. Motion is seconded.

Date signed: 5-8-2019 **VOTE: (5-0-0)**

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

Date copy sent to Town Clerk: _____