

Wareham Zoning Board of Appeals
Wednesday, September 13, 2023 – 6:30 p.m.
Minutes

WAREHAM TOWN CLERK
2023 SEP 28 PM5:35

Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.

The following record pertains to a meeting held by the Zoning Board of Appeals at 6:30 PM local time. A video recording of this meeting is available for viewing. The record of the proceedings includes the videotape of the meeting, the resolutions passed, and any document presented during the course of the meeting.

I. CALL MEETING TO ORDER

Mr. Eacobacci called the meeting to order at 6:30 p.m.

II. ROLL CALL

Present: Nazih Elkallassi, Jim Eacobacci, Richard Semple, Veronica DeBonise, Troy Larson and Jake Morrison (arrived at 6:37 p.m.) **Absent:** None.

Building Commissioner, Paul Turner was present.

III. PRELIMINARY BUSINESS

1. Approval of Meeting Minutes: 8/23/2023 – Mr. Eacobacci motioned to approve the minutes which were seconded by Mr. Semple. The motion passed unanimously. (4-0-0)

IV. CONTINUED PUBLIC HEARINGS:

1. 30-23 Wareham Fire District – Variance – 271 Main Street (Request to withdraw without prejudice)

Mr. Eacobacci made a motion to allow the withdrawal without prejudice as requested and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

2. 11-23 Peter Koulouras, Trustee – Variance – 3127 Cranberry Highway

Attorney Jillian Morton was present with Bill Madden, Engineer from GAF Engineering. Ms. Morton reviewed the project. Ms. Morton said they went through the peer review.

Mr. Madden handed in the updated revised plans as of September 8, 2023. Mr. Madden reviewed the project with the revised changes.

Town Engineer, Phil Cordeiro was present. He reviewed his comments and the responses from the applicant. He said they received the second response this morning and ‘seem on track.’ The board discussed the curb cut and the material. Mr. Elkallassi proposed no left turn on the property.

Ms. DeBonise asked about the steel edging on the property.

There was no public comment.

Mr. Eacobacci made a motion to close the public hearing which was seconded by Ms. DeBonise. The motion passed unanimously. (5-0-0)

Mr. Eacobacci made a motion to grant the site plan with the special permit with the condition for granite, concrete curbing, and within the transition piece as necessary pending state approval. The motion was seconded by Mr. Semple and passed unanimously. (5-0-0).

3. 21-23 Angela McKeown – Site Plan Review/Special Permit/Variance – 386 Main Street

Attorney Jillian Morton was present before the board.

Sam Elliot from JC Engineer reviewed the layout and detail that was added to the plans. He discussed the drainage upgrade design. They added additional curbing and proposed upgrading drainage. He said they would be asking for a landscaping waiver.

Mr. Elkallassi said that the board cannot issue waivers, as that is only done through the Planning Board.

Mr. Cordeiro reviewed the summary notes he received from the applicant along with their concerns. He said they have concerns about the layout for the Fire apparatuses and referred to them for comment.

Ms. DeBonise said she wanted to wait for the Fire Department's comments.

From the public, Ms. Nelson of High Street was present. She had concerns on the vehicles up/down the driveway.

Ms. Morton asked for a continuance until September 27, 2023.

Mr. Eacobacci made a motion to continue 21-23 Angela McKeown to September 27, 2023, waiting for the landscaping plan and response from the Fire Department. The motion was seconded by Ms. DeBonise and passed unanimously. (5-0-0)

2. PUBLIC HEARINGS:

1. 31-23 Warren 176 Main St. QOZB LLC – Variance/Special Permit & SPR 176 Main Street

Mr. Eacobacci read the advertisement in for the record, opening the hearing. Present before the board, Attorney Jillian Morton with Engineer, Bill Madden. Phil Warden, representing QOZB LLC.

Ms. Morton reviewed the project as a restaurant, bar and retro arcade games. They are looking for a site plan review with no landscape buffer.

Mr. Madden reviewed the project. He said they are offering 100 seats in the restaurant. He said they require 1 space per 5 seats, they require 20 parking spaces. He said there are currently 13 that exist. He reviewed the landscaping plan.

Mr. Cordeiro reviewed their concerns. He said there is an opportunity for updated landscaping, especially in the front of the property. He said it was a complex project because it is a small project. He said they are increasing rear functionality to the back with drywells, and tested stormwater management numbers need to be reviewed. He said they have concerns about the ponding of water in the rear of the parking lot. He said that he would urge the board for basic lighting in the rear of the building.

Mr. Elkallassi asked about the drainage in that area.

Mr. Madden said they do have some drainage issues but they can't manage everything there but deal with what they can.

From the public, Chairman of the Planning Board, Mr. King was present. He said he's in favor of another restaurant in town. He had concerns about the design standards that the applicant felt they didn't need to abide by them.

Ms. Morton said she reached out to the town attorney and because their project started before the AG approved the design standards, he said they did not need to go to the planning board.

Mr. Elkallassi said they are not asking them to go to the Planning Board but would like to see some of the design standards put forth in the project.

As an abutter, Ms. Morton said she loves this idea and is a great project for Wareham.

Mr. Elkallassi said he would like to see a few façade changes, perhaps just awnings or plants.

Mr. Warden said he would like to make improvements in the future to the façade. He said he has a tight window for the initial remodeling.

Ms. DeBonise said she would like to see some changes to beautify the property as well and within the design standards.

Mr. Eacobacci made a motion to continue to September 27, 2023, and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

2. 32-23 Peter Nahas – Appeal & Minor Modification – 2707 Cranberry Hwy

Mr. Eacobacci read the advertisement in for the record.

Attorney Morton was present with the applicant, Peter Nahas. Ms. Morton stated the property is fenced all the way around and its commercial material is outside. They are looking to store materials and equipment outside.

The board discussed the zoning district this property was in. Ms. DeBonise asked why the board would be reviewing a minor modification if the applicant hadn't come before them. Mr. Elkallassi said they did receive a Special Permit through the Planning Board.

Mr. Turner said that Chairperson King from the Planning Board went to him and asked him to force the conditions of the Special Permit for this application.

Ms. DeBonise said she would like a site visit. There were no additional board comments.

Jack S. was present representing the church behind the applicant's property and stated he had no problems with the applicant.

Mr. King, Chairperson of the Planning Board was present and stated that a citizen brought this to their attention. He said the conditions are very straightforward on the special permit. He said there was a mess in front of the property, that was an eyesore and that's why he had Mr. Turner go to review.

Mr. Larson made a motion to close the public hearing which was seconded by Ms. DeBonise. The motion passed unanimously. (5-0-0).

Mr. Morrison made a motion to note this as a minor modification and to provide screening up to 30' on the sides, and the front of the building will be free of any equipment, stored to the rear instead. The motion was seconded by Mr. Larson and passed unanimously. (5-0-0).

3. 33-23 William Cooper – Variance – 11 Lake Avenue

Mr. William Cooper was present along with Frank Westgate.

Mr. Westgate reviewed the variance. They are looking for a garage with apartment above in a R-130. Mr. Westgate read the letter for the hardship, which briefly explained that the applicant wants to continue to live with his family and expand it to add an in-law apartment.

Mr. Elkallassi said he understands but usually the hardship is for the land, not the people. He said they do not issue a separate in-law in that zoning area.

Mr. Cooper explained there is a garage underneath the house currently.

Ms. DeBonise and Mr. Larson agreed that they do not allow in-law apartments in this district.

Mr. Eacobacci offered his suggestion to have them ask for a continuance and perhaps just add an extension to the home. He said once they call it an 'apartment' it's not allowed in that district.

There was no public comment.

Mr. Eacobacci made a motion to continue to September 27, 2023 and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

4. 34-23 Todd & Maria Delgado – Use Variance & Appeal – 3 Michael Drive

Mr. Eacobacci read the advertisement in for the record.

Attorney John Markey was present. Engineer, Dave Davignon and Todd Delgado was present.

Mr. Markey first stated that a 25-page document was passed to the board but not given to them. He then reviewed the project, which at first the couple wanted to put a cottage on the property however, that wasn't able to put it on. They then were told they could put on a dock by the previous conservation agent. Mr. Markey said that Building Commissioner, Mr. Turner stated he would not sign off on the dock per the State Building Regulations.

Mr. Elkallassi asked if they would need to get a building permit.

Mr. Turner said they would not need a building permit. He said his determination was around a zoning determination, as it is an accessory structure without a principal structure.

Mr. Markey said he could not find that determination (accessory structure) in the Wareham Zoning By-law.

Mr. Delgado explained when he bought the property it was his realtor, at that time told him he could build a house; but in further research found out he couldn't.

Mr. Elkallassi stated from a zoning point of view, there needs to be a principal dwelling, not just an accessory.

From the public, Attorney Jillian Morton was present asked for the board to deny and/or allow them to withdrawal. She said that she believes that it is a slippery slope. She said there are letters from abutters who believe that it would be detrimental to the area.

Carl S. also spoke against this applicant's project.

Tracy Williams also spoke against.

Mr. Markey asked for a continuance, for further review.

Mr. Eacobacci made a motion to continue 34-23 to October 25, 2023, and was seconded by Ms. DeBonise. The motion passed unanimously. (5-0-0).

**5. 35-23 Schoolhouse Rocks, LLC – Variance/Special Permit & Site Plan Review –
1073 Main Street**

Mr. Eacobacci read the advertisement in for the record.

Ms. DeBonise recused herself from the meeting.

Attorney Patricia McArdle was on zoom. She asked for a continuance to their next scheduled meeting.

John M. stated he lived across the street and came to learn what was going on and for plans to review.

Mr. Semple made a motion to continue to September 27, 2023, and was seconded by Mr. Eacobacci. The motion passed unanimously. (5-0-0).

3. ANY OTHER BUSINESS/DISCUSSIONS

4. COMMENTS FROM BOARD MEMBERS

Mr. Morrison made a motion to adjourn, which Mr. Semple seconded. The motion passed unanimously. (5-0-0)

Date signed: 9-27-23
Attest: James D. Eacobacci

James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

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Date copy sent to Town Clerk: _____