

Wareham Zoning Board of Appeals
Wednesday, October 11, 2023 – 6:30 p.m.
Minutes

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: Acting Chair, Jim Eacobacci, Richard Semple, Veronica DeBonise and Troy Larson
Absent: Jake Morrison and Nazih Elkallassi

Building Commissioner, Paul Turner was present.
Sonia Raposo was present from the Planning Office.
Planning Director, Ken Buckland was on via Zoom.

III. PRELIMINARY BUSINESS

1. Approval of Meeting Minutes: 9/27/2023 – Mr. Larson motioned to approve and it was seconded by Ms. DeBonise. The motion passed unanimously. (4-0-0)

IV. CONTINUED PUBLIC HEARINGS:

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

Attorney Jillian Morton was present before the board representing the applicant. Bill Madden, from GAF Engineering. Phil Warren and Neil Silva were also present.

Ms. Morton stated they received the peer review the night before.

Mr. Madden reviewed a few of the comments made from the review peer consultant. He explained the drain issues on the property. He reviewed the landscaping plan and other peer reviewer comments.

Phil Cordeiro, Town Engineer was present. He said he agreed with Mr. Madden's comments regarding the high water table and made a suggestion to make notes to confirm the water table for the leaching field (at Construction).

Mr. Cordeiro wanted to be on record saying that if the ponding occurs at the property to the tenant there may be an issue. He said his concern is the ADA spaces are in the rear and that he would want that area dry and has concerns it may not be.

There was no additional public comment or comment from the board members.

Mr. Semple made a motion to close the public hearing and was seconded by Mr. Larson. The motion passed unanimously. (4-0-0).

Motion to approve: Ms. DeBonise made a motion to approve the plans revised through October 10, 2023 for 31-23 Warren 176 Main Street, with the condition that there is confirmation of the water table at construction and the drainage calculations are approved. Mr. Semple seconded the motion and it passed unanimously. (4-0-0)

V. PUBLIC HEARINGS:

1. 38-23 Forrest Divine – Variances – 303-305 Plymouth Avenue

Mr. Eacobacci read the advertisement in for the record.

Attorney Jillian Morton and Bill Madden were present.

Ms. Morton reviewed the project with the site directly on the pond. They want to remove the cottage to the rear of the property and rebuild. She said they have been approved through Conservation. She explained the two variances they were requesting (two residents on one lot) and a garage.

Ms. Morton explained the cottage currently and referred to the by-laws. Pre-existing non-conforming use cottage, taxed as a single-family dwelling. The site has a six-bedroom septic.

Mr. Madden confirmed there is 72,759 sq footage land of all the parcels.

Discussion around the variance for two homes on the one lot.

Ms. DeBonise shared concerns of the second residence that is present and that it is improving the home but should be moved on the other side of the 100' buffer zone to fully protect the pond.

Mr. Madden said that Conservation have already approved the plans with their conditions. He explained the 30' no work zone.

Ms. DeBonise said she would like more time to think through her concerns.

Building Commissioner, Mr. Turner stated his denial letter sums up his opinion on how the project is laid out and according to the by-laws.

Dolores Antillino, 307 Plymouth Avenue stated it would be nice to have a full-time neighbor and they are in full support.

Mr. Eacobacci asked if they could enlarge the cottage where it is if they were denied the bigger building.

Mr. Turner said they couldn't substantially approve because of the zone it's in.

Ms. Morton gave an example of a property that stayed within the footprint and built up.

Mr. Larson made a motion to continue to their first meeting in November which was seconded by Ms. DeBonise. The motion passed unanimously. (4-0-0).

2. 39-23 Wareham Cranberry, LLC – Use Variance – 3020 Cranberry Highway
Mr. Eacobacci read the advertisement in for the record for a drive-thru at 3020 Cranberry Highway. (the former DeAngelos Building)

Attorney Morton was present for the applicant and applicant, Mr. Koffman via zoom. Ms. Morton says they are seeking a drive-thru as a use variance. She advised where other buildings are that have drive-thru's. She said it would be for 'Auto-Pizza'; gourmet pizza. Entrance and exit only. She said they have adequate parking.

Mr. Eacobacci said that he believes drive-thru business is ^{94.}90% of a business.

Ms. DeBonise said she doesn't feel qualified to approve this without a site review.

Ms. Morton stated the applicability use for any 'new' would trigger a site-plan review, and parking is triggered by ten parking spots. She stated they had nine.

Mr. Phil Henry, Civil Design Group was present via zoom as the applicant's engineer. He stated there was approximately 250' feet of cue capacity, which is about twelve cars before getting on route 6.

Mr. Cordeiro stated they'd be happy to review the plans if necessary.

Ms. DeBonise also shared concerns on how it meets the by-laws. She said there are a lot of new businesses going into town and a lot of boxes that need to be checked for those improvements.

Jonathan Koffman, the applicant, was on via zoom and said he was fine with a peer review and to answer any concerns. He said the drive-thru is critical to the tenant being at this site.

Ms. Morton said she doesn't believe it should go through peer review as there is no bylaw that requires this to go to peer review. She said they may want to speak to legal counsel.

Ms. DeBonise made a motion to refer this case to the Town Engineer for site review. Mr. Eacobacci seconded the motion. The motion failed 1-3.

Ms. Morton asked for a continuance to gather more information and speak to the Town Planner.

Motion to continue: Ms. DeBonise made a motion to continue to November 8, 2023 and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

3. 40-23 Wareham Fire District – Sign Variance – 2550 Cranberry Highway
Mr. Eacobacci read the advertisement in for the record.

Proposing two-sided electric messaging board sign at the Water Department office located at 2550 Cranberry Highway.

No comments from the board nor the public.

Mr. Semple made a motion to close the public hearing which was seconded by Mr. Larson. The motion passed unanimously. (4-0-0)

Mr. Larson made a motion to approve which was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

Mr. Eacobacci read the advertisement in for the record.

Dorothy Pipher was present to ask for a studio apartment above a garage. She said she has 9,000 sq feet, and the variance needed was 36,000 sq feet (needs 45,000 sq feet). The frontage in front of the garage is 220.1 per her site plan review.

Ms. Pipher said she was trying to get an apartment to have someone help her mother by staying there. Mr. Eacobacci recommended the applicant speak to someone for advice on how to connect the garage to the home and come back to ask for something different.

No comment from board members.

Jacob K., neighbor had no objections

Megan K., also had no objections.

Mr. Semple made a motion to continue to October 25, 2023 and was seconded by Mr. Larson. The motion passed unanimously. (4-0-0).

VI. ANY OTHER BUSINESS/DISCUSSIONS

Mr. Eacobacci stated they have been working on an old zoning map from August 14, 2017; as he got it from the Town website. He said per the zoning by-laws, they are supposed to be using a zoning map from 2007. He wondered whether the 2017 maps were ever approved and/or the 2007 was a misprint in the zoning by-laws.

Mr. Buckland, via Zoom stated that the 2017 map had errors on it and was never approved. He said the 2007 map is the one that they should be going by. He said they will add an addendum to the 2007 map with all the information.

Mr. Eacobacci expressed his concerns and frustrations that the zoning maps were “....”.

VII. COMMENTS FROM BOARD MEMBERS

The next meeting on October 25, 2023 would be to review the draft rules and regulations.

Mr. Semple made a motion to adjourn, which was seconded by Mr. Larson. The motion passed unanimously. (4-0-0)

Date signed: 10-25-2023
Attest: James D. Eacobacci

James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2023 NOV 8 PM 5:57