

Wareham Zoning Board of Appeals
Wednesday, December 13, 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. Elkallassi called the meeting to order at 6:30 p.m.

II. ROLL CALL

Present: Chairperson, Nazih Elkallassi, Jim Eacobacci, Richard Semple, Veronica DeBonise and Troy Larson **Absent:**

Building Commissioner, Paul Turner was present.
Sonia Raposo was present from the Planning Office.

III. PRELIMINARY BUSINESS

1. **Approval of Meeting Minutes: 11/8/2023** – Mr. Eacobacci motioned to approve as presented and was seconded by Mr. Semple. Ms. DeBonise stated the letter that Mr. Conti read needs to be added to the minutes for approval. Ms. Raposo, from the planning office said she would add them to the minutes. The motion passed unanimously. (5-0-0)

IV. CONTINUED PUBLIC HEARINGS:

1. **39-23 Wareham Cranberry LLC – Use Variance – 3020 Cranberry Highway**
(Request to continue to December 27, 2023)

Attorney Jillian Morton asked for a continuance for her client.

Mr. Eacobacci made a motion to continue 39-23 Wareham Cranberry LLC per the applicant's request to December 27, 2023. The motion was seconded by Mr. Semple and passed unanimously. (5-0-0).

V. PUBLIC HEARINGS:

2. **47-23 New Cingular Wireless – Special Permit – 25 Brown Street**

Mr. Eacobacci read the advertisement in for the record.

Michael Roland was present on behalf of New Cingular Wireless aka, AT&T. He said they are looking for a 10' extension with six panels on the extension, radios amplifiers, etc. for better coverage in the Wareham area. He reviewed the project and asked for a Special Permit. Mr. Roland stated they owned only lot B, where the tower is located.

Mr. Elkallassi explained the radius that needed to be covered in case it collapsed. He stated that he felt that the application should've come through as a variance versus a Special Permit.

Mr. Roland stated the engineers structured the tower that the tower would collapse on itself. He said he would like to ask for a continuance and speak to the Town's attorney.

Mr. Elkallassi said he felt that the application should be a variance and not a special permit, and they couldn't grant something that wasn't correctly submitted.

Ms. DeBonise said she'd be interested in hearing from Town Counsel.

Mr. Turner stated the bylaws read that a new application should be a Special Permit.

Mr. Eacobacci explained the stuck is a variance vs. Special Permit.

Attorney Roland asked for a continuance.

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

3. 48-23 Thomas & Susan Daly – Variance(s) – 4 Prospect Street

Mr. Eacobacci read the advertisement in for the record.

Attorney Morton was present for the applicants along with Brian Grady, Engineer.

Ms. Morton explained the project that has two structures on the property, one property is a single-family home, the second structure is a small cottage. She said they are in the MR30 district. She reviewed the F.A.R in the area. She said they want to demolish the cottage and add a new structure. She said they are looking for two variances.

Mr. Grady reviewed the dimensional history.

Mr. Semple said he views it as a cottage as per what the town identifies as it is.

Mr. Daly, the owner of the property, was present and he added to the history of the property.

Marilyn Rossi was present as an abutter. She was in favor of the project.

Mr. Eacobacci read the names of the person(s) who wrote letters on behalf of the Daly's in favor of the project.

Ms. DeBonise said she doesn't see the hardship for a variance. She asked for an explanation of the exemption, as a small lot standard.

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

Ms. DeBonise stated she thought that the two requested variances had no hardship requirement.

Mr. Eacobacci made a motion to grant the variance for the F.A.R from 15% to 26.7% and the variance for the second dwelling on lot size and frontage as it does meet the requirements of MGL, Chapter 40a, Section 10; which was seconded by Mr. Larson. The motion passed with Ms. DeBonise in opposition. (4-1-0)

4. 49-23 Kesey McKenna & Jonathan Dallmeyer – Appeal – 504 Main Street

Mr. Eacobacci read the advertisement in for the record.

Attorney Morton was present for the applicant. She explained the home as well as a carriage house in the rear. She said the home is now non-conforming. She said they tried to get some land from the lot next door without negotiation. She was seeking a variance. She said she was present to speak on the appeal and then a second letter was sent by the building commissioner.

Ms. Morton stated if they denied it, she would be moving forth to an appeal.

Mr. Eacobacci shared his concerns.

Ms. McKenna was present and spoke about the historic home and the predicament they are in.

Ms. McKenna's mom was present and spoke about the property.

Mr. Elkallassi asked if they could continue so they could gather more information.

Mr. Buckland was present and stated that the Planning Board cannot stop someone from filing for a Form A.

Mr. Semple made a motion to continue to December 27, 2023 per the applicant's request, which Mr. Larson seconded. The motion passed unanimously. (5-0-0)

5. 50-23 Echo Athletics, LLC – Variance – 127 Marion Road

Mr. Eacobacci read the advertisement in for the record.

Owners, Ben Tomkins and Zachary Ledogar were present to discuss their vision to open an athletic facility at a shopping plaza in the old Family Dollar.

Michael Karon spoke in favor of the project and gave an overview of the characteristics of the owners.

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

Mr. Eacobacci made a motion to approve as presented and relief use granted per MGL 40a, Section 10 which was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

6. Discussion and possible vote – Rules & Regulations for SPR & Special Permit

Mr. Eacobacci read the advertisement for the record.

The board discussed the rules and regulations for site plan review specifically and wanted to review it further. Mr. Eacobacci expressed his frustrations that the applicant needs to take more ownership on the application in full.

Mr. Eacobacci made a motion to continue the discussion and possible vote to December 27, 2023 which Mr. Semple seconded. The motion passed unanimously. (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS

VII. COMMENTS FROM BOARD MEMBERS

Mr. Elkallassi suggested they look at changing the by-law for small businesses looking for site plan reviews. Board members had a brief discussion regarding site plan review.

Mr. Eacobacci made a motion to adjourn which was seconded by Mr. Semple. The motion passed unanimously. (5-0-0).

12-27-2023
James W. Eacobacci