

Wareham Zoning Board of Appeals
Wednesday, July 12, 2023 – 6:30 p.m.
Minutes

WAREHAM TOWN CLERK
2023 JUL 31 PM3:43

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

Chair Elkallassi called the meeting to order at 6:30 p.m.

II. ROLL CALL

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

Town Planner, Ken Buckland, was present.

III. PRELIMINARY BUSINESS

1. **Approval of Meeting Minutes: 7/12/2023** – Mr. Eacobacci made a motion to approve minutes as presented and was seconded by Ms. DeBonise. The motion passed unanimously. (5-0-0)

IV. CONTINUED PUBLIC HEARINGS:

1. **11-23 Peter Koulouras, Trustee – Variance – 3127 Cranberry Highway, Map 8, Lot B (cont. July 26, 2023)**

Mr. Eacobacci made a motion to continue to July 26, 2023, and was seconded by Mr. Semple. The motion passed unanimously. (5-0-0)

2. **18-23 Raymond Young – Site Plan Review/Variance/Special Permit -2404 Cranberry Highway**

Attorney Jillian Morton was present for the applicant. Ms. Morton reviewed the project and the concerns between the two engineers.

Mary of Dupre Engineering's commented that the photometric plan will be forth coming within the next twenty-four hours.

Ms. Morton asked for conditional approval, waiting on the plan.

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

Motion to approve: Mr. Eacobacci made a motion to approve with the condition that the photometric plan be submitted and approved prior to permitting; as well as that the town engineer to issue a full approval prior to the occupancy of the building; as well as the building commissioner's full approval. Mr. Semple seconded the motion and it passed unanimously. (5-0-0).

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

Attorney Jillian Morton was present for the applicant. Ms. Morton reviewed the project and stated an initial plan had been submitted, but then they went back to the drawing board. She stated the board had the new plans, dated July 11, 2023. She reviewed what the concerns were of the board and reviewed the plans. She said one of the units were removed and more parking added. She said the location of the entrance was changed.

Ms. Morton said they were proposing a Form A in front of the Planning Board, to have no rights to access of the driveway of the lot.

The engineer reviewed the grading plan and the discussion with the Fire Department.

Mr. Eacobacci asked if the unit would be going to a six-family. The applicant advised it would remain as a 4-family.

Mr. Elkallassi asked if they did a review of the drainage on the property, which they said they have and it's fine.

Mr. Eacobacci asked if the municipal sewerage has been signed off as of yet. Ms. Morton said it has not, but they are in the cue.

Mr. Elkallassi said he thought it was too crowded and Mr. Larson agreed. Ms. DeBonise asked about parking. Mr. Semple thought it was still too congested.

Ms. Morton said that the existing building could stay as a bigger building by right. She said the owner would remain on the premises and the units would be managed on-site.

Ms. DeBonise referenced the 54% lot coverage, which is over the 50% allowed, which would require a variance. She also asked about the entrance and green space.

Public Comments:

Mr. Sparrow, of 380 Main Street read a prepared letter and submitted the letter(s) for the record.

Ms. Sonia X., in opposition to the project, spoke against the project.

Ms. Morton rebutted that the homeowner has taken a bit of time to figure this out and not just a developer putting up units and that she plans on living there.

Mr. Elkallassi said that this is not a Planning Board permit.

Bob R., Trustee of Lot 180 also spoke in opposition. He said he'd rather see the road blocked off to pedestrians walking from High Street.

Chris Nelson, Trustee of the same property, Lot 180 asked a few questions about the plans. She also spoke in opposition. She was concerned they were putting a plan forth without owning the property.

Mr. Eacobacci explained that it is permissible to put forth a plan without owning the property, as they have to put it forth to see whether it would be permissible.

Ms. Morton explained how they would receive a portion of the property that they currently don't own. She said there is a piece of the land they do not own and are moving forward with that ownership. She said she would ask for a continuance at this point, anyway.

The building commissioner, Mr. Paul Turner was present. Mr. Elkallassi asked if the 4-units are already considered commercial.

Mr. Turner said over two-family is considered a commercial use, not zoning.

Mr. Elkallassi said he would like to see the units be brought down to ten. Mr. Semple agreed and said he would ask questions at the next meeting. Mr. Larson agreed.

Ms. DeBonise said she thought there was a lot of asphalt.

Mr. Eacobacci made a motion to continue to July 26, 2023, per the applicant's request and was seconded by Mr. Larson. The motion passed unanimously. (5-0-0).

4. 23-23 Kim and Mark Aron – Special Permit and/or Variance – 84 Pinehurst Drive – Map A/1, Lot D (Request Cont to August 23, 2023)

Mr. Eacobacci made a motion to continue, per the applicant's request to August 23, 2023, and was seconded by Mr. Semple. The motion passed four to one in opposition. Ms. DeBonise was in opposition, as she thought the applicant should have extended the deadline as well. (4-1-0).

V. PUBLIC HEARINGS

1. 25-23 37 Oak Street Realty Trust – Special Permit and/or Variance – 37 Oak Street, Map 39, Lot T31

Mr. Eacobacci read the advertisement in for the record.

Attorney Jillian Morton was present for the applicant. Ms. Morton explained an attached addition for a handicap bathroom and bedroom, eliminating a shed on the property. She had letters in favor of the project from direct abutters. She also had an order of conditions from Conservation.

Mr. Elkallassi reviewed this as an existing non-conforming.

Ms. DeBonise asked for clarity on the proposed setbacks.

Mr. Semple stated he visited the property, and the landscaper reviewed the concrete wall and the rear slab. He said they were doing this renovation for a handicapped gentleman.

Mr. Eacobacci stated he had no issue with the proposed project.

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

Motion to act as Special Permit: Mr. Semple made a motion to act on the proposal as a Special Permit which was seconded by Mr. Eacobacci.

Mr. Eacobacci made a motion to grant as presented with standard conditions, not detrimental to the neighborhood, and was seconded by Mr. Larson. The motion passed unanimously. (5-0-0).

2. 26-23 Scott Green – Variance – 17 Murphy Street – Map 50 B, Lot 1-41

Mr. Eacobacci read the advertisement in for the record.

Attorney Jillian Morton was preset for the applicant. She stated this project had been already granted, but back before the board as they are encroaching on the side setback. The house is 36' wide, 75.5' long per the attending engineer.

Ms. DeBonise had to leave at approximately 8:00 p.m.

Abutter, Tony P., stated he was in favor of the project.

Abutter, Mrs. B. from 27 Barnes Street stated she had concerns about the access of Murphy Street. She was looking for a surety that Murphy Street to stay as it is.

Tom B., 27 Barnes Street had a question on the original drawing plan. He wanted to know why they just don't reduce the footprint of the home versus encroaching on the setback. He said he didn't consider it a hardship and couldn't understand what the hardship could be.

Ms. Morton stated this is the plan that Conservation approved. She said she knows her client would be happy to meet with any of the neighbors.

Mrs. B. returned to say she didn't think it was a hardship.

Ms. Morton said it does create a hardship to the petitioner and an approved variance for the topography.

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

Motion to grant: Mr. Eacobacci made a motion to grant the variance as presented and was seconded by Mr. Semple. The motion passed unanimously. (4-0-0).

VI. ANY OTHER BUSINESS/DISCUSSIONS

VII. COMMENTS FROM BOARD MEMBERS

Mr. Semple thanked Mr. Turner for being at meetings and helping to move the meeting forward.

Mr. Elkallassi asked for Mr. Buckland to have the letter available for them to sign at the next meeting. Mr. Eacobacci made a motion to adjourn, which was seconded by Mr. Semple. The motion passed unanimously. (4-0-0)

Date signed: 7-26-2023

Attest: James R. Eacobacci

James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

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