**MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS**

**Date of Meeting: January 23, 2019**

1. **CALL MEETING TO ORDER**

The meeting was called to order at 6:30 P.M.

1. **ROLL CALL**

Members Present: Nazih Elkallassi, Chairman

Jim Eacobacci, Clerk

Jan Kendrick

Jake Morrison

Veronica Debonise

Also present: Kenneth Buckland, Town Planner

Charles Rowley, Town Review Engineer

1. **PRELIMINARY BUSINESS**

Mr. Elkallassi states that Jake Morrison is now a full-time member. Veronica Debonise has been appointed as a full-time member.

1. **Approve meeting minutes: December 12, 2018**

**MOTION: Mr. Eacobacci moves to approve the minute of December 12, 2018. Ms. Kendrick seconds.**

**VOTE: (4-0-1)**

1. **PUBLIC HEARINGS**
2. **34-18 – Steven & Cheryl Yurasha – 9 Jordan Road**

Present before the Board: Steven & Cheryl Yurasha

 Richard Serkey, Esquire

The public hearing is opened and read into the record.

Mr. Elkallassi must recuse himself from this matter.

Mr. Serkey is requesting to continue the hearing until there are five members present to review this application.

**MOTION: Mr. Eacobacci moves to continue the public hearing until February 13, 2019. Motion is seconded.**

**VOTE: (4-0-1)**

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

Present before the Board: Jessica Nassif

Ms. Nassif is requesting an extension of the existing deck. There is a hand-drawn plan in the folder.

Mr. Elkallassi asks how far the deck is from the property lines. Mr. Eacobacci states if the plan is accurate the deck is 16’ from the side property line.

Mr. Elkallassi states that this requires a surveyed plan.

Mr. Eacobacci states he would like to see pictures of the front and side of the property showing the proximity of the house to the property lines. Ms. Kendrick states she would also like to see photographs.

Present before the Board: Kathleen Coyle, 5 Independence Lane

Ms. Coyle is an abutter to the property. She states her living room looks over their yard and feels they should be allowed to expand their deck. Ms. Coyle states that 32 Hammond Street sent letters of support as well that she submits to the Board.

Mr. Elkallassi states he does not see a complication with this project once the proper plans are submitted.

**MOTION: Mr. Eacobacci moves to continue the public hearing until February 13, 2019. Ms. Kendrick seconds.**

**VOTE: (5-0-0)**

1. **2-19 – Amy Rossi & Richard Runci – 35 West Central Avenue**

Present before the Board: Margaret Ishihara

 Amy Rossi

 Richard Runci

Ms. Ishihara states the applicant is proposing to replace an existing screened porch with a new porch and deck as well as construct a garage.

Mr. Elkallassi states he feels the shape of the lot meets the requirements of the variance.

Mr. Morrison is concerned about the property being built-out to the property lines.

Ms. Kendrick states if it appears the abutters are in favor of this renovation then she could not see a reason to deny it.

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

**VOTE: (5-0-0)**

**MOTION: Mr. Eacobacci moves to grant a Variance based on the findings that under relief of Article 6 Table 622 the applicant meets the statute of a Variance based on the hardship of the uniqueness of the shape of the lot, and not being a detriment to the neighborhood, and does not derogate from the intent of the By-Law. Ms. Kendrick seconds.**

**VOTE: (5-0-0)**

**MOTION: Mr. Eacobacci moves to approve a Special Permit with standard conditions. Ms. Kendrick seconds.**

**VOTE: (5-0-0)**

1. **CONTINUED PUBLIC HEARINGS**
2. **17-18 – RMRM LLC – 3035 Cranberry Highway**

Present before the Board: Richard Serkey, Esquire

 Mr. Stella

Mr. Buckland states that this hearing should be re-started and re-applied-for as there is no longer a super majority of the Board that can vote on this matter.

Mr. Serkey reviews the application process and timeline. Given that there is not a five person Board present to hear this matter, and will not be a five member Board due to current circumstances, Mr. Serkey states they are petitioning for Constructive Approval.

The Board takes no action.

1. **ANY OTHER BUSINESS/DISCUSSIONS**
2. **Correspondence**

**Upcoming Hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **February 27, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **February 27, 2019** | **#3-19** | **Variance** | **Joseph & Anne Gomes** | **22-24 Shangri-La Boulevard** |

**Decision Deadlines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Special Permit – 1-15-19; Variance – 1-25-19** | **#17-18** | **Special Permit/Variance** | **RMRM Realty, LLC** | **3035 Cranberry Highway** |
| **February 19, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |
| **Special Permit - April 23, 2019; Variance - May 3, 2019** | **#1-19** | **Special Permit/Variance** | **Jessica Nassif** | **34 Hammond Street** |
| **Special Permit - April 23, 2019; Variance - May 3, 2019** | **#2-19** | **Special Permit/Variance** | **Amy Rossi & Richard Runci** | **35 West Central Avenue** |

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

**VI. ADJOURNMENT**

**MOTION: Mr. Eacobacci moves to adjourn. Mr. Morrison seconds.**

**VOTE: (5-0-0)**

Date signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 James Eacobacci, Clerk

 WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_