

WAREHAM ZONING BOARD OF APPEALS
Wednesday, December 14, 2022
6:30 P.M.

WAREHAM TOWN CLERK
2023 JAN 2 PM5:37

I. CALL MEETING TO ORDER

II. ROLL CALL:

Present: Nazih Elkallassi, Jim Eacobacci, Troy Larson (Associate Member) Veronica DeBonise, Richard Semple and Jacob Morrison

Absent:

III. PRELIMINARY BUSINESS:

1. Approval of Minutes: 11/30/22

Mr. Eacobacci made a motion to accept with one correction and was seconded by Mr. Semple. The motion passed unanimously. (6-0-0)

IV. CONTINUED PUBLIC HEARINGS:

1. 39-22 Clear Channel Outdoor – Sign Variance – 3077 Cranberry Highway – Map 10, Lot(s) 1001A & 1001

Attorney Jillian Morton was present for the applicant. She said it was a request for a sign variance for the billboard at 3077 Cranberry Highway. She said this was right near Sullivan Tire and the car wash. She said there were two denial letters from the building commissioner. She said they are trying to take a static board and make it digitized. She said there was a variance granted in 2005 to make one of the sides digitized and now they were seeking a variance to the other side.

Attorney Morton reviewed the denial letter.

Mr. Elkallassi stated there were a few conditions when they approved the first digitized sign in 2005.

Mr. Eacobacci stated he remembered that the Town wasn't in agreeance to give them both sides. He said it was no big deal as a billboard.

Mr. Semple said he was fine with it. Mr. Larson and Ms. DeBonise agreed.

Mr. Elkallassi asked for any public comment to which there was none.

Ms. DeBonise asked if the sign changes.

Mr. Elkallassi said he would like the same decision to be written as the previous one.

Mr. Eacobacci made a motion to close the public hearing and was seconded by Ms. DeBonise. The motion passed unanimously.

Mr. Eacobacci made a motion to grant the variance on all reliefs, Article 1120, Section 1128; Article 1160, Section 1163, Article 1160, Section 1164, Article 1160, Section 1167 and Article 1172, 1,2, and 3. Mr. Semple seconded the motion and it passed unanimously. (5-0-0)

2. 40-22 Kaushal Bhalt – Variance – 47 Sandwich Road – Map 45, Lot 1014

Kaushal Bhalt was present with an applicant.

Mr. Elkallassi stated at the last meeting there were only four members present at the last meeting.

Mr. Bhalt said he wanted to address the concerns that were addressed at the last meeting. He said the proposed use is reducing the density of what is there is present. He said the current use is significantly higher than what is being proposed. He said they would put a fence on the rear property so that there would be no headlights blaring.

Mr. Elkallassi asked what the hardship would be for four variances at the property.

Mr. Bhalt said he has a lot of reviews at the property. He said they are trying to work with a certain price purchase to rebuild where the existing division of utilities is. He said it was commercial property so there are more commercial utilities and water and sewer.

Mr. Elkallassi explained the sewer units would be counted as one user for a connection. He said these things don't have an impact on zoning. He said it's a commercial property.

Mr. Bhalt said the property is in a MR-30, the hardship is relocating utilities to where they sit currently. He said the big thing is the foundation and drainage.

The applicant said that the Town of Wareham is looking for affordable housing and this would assist with that as a benefit to people and the Town. He said that the benefit to the Town is more than the hardship. He said it is a run-down down building and is turning into a home.

Mr. Elkallassi said they like to follow the by-law as close as possible. He said this project is very close to the kennel property, and who wanted to add three units and we said no. He said they are asking for three units, with only the ability to have one unit.

Mr. Larson said he had no questions.

Ms. DeBonise said that the way the building is set up it makes sense to what they are proposing. Her concern is if it states as is commercial and if would it be better for it to stay commercial. She asked for the board's opinion.

Mr. Eacobacci reviewed the setbacks, front, rear, and side setbacks needed. He said they needed a use variance. He said they also need a frontage variance. He reviewed what made sense on the variances requested. He said the use and the three setback variances didn't bother him, as well as the frontage variance. He said the only stickler he had was the lot area to put three units there. He

said there may be a compromise to have two, or three bedrooms; instead of three units as one, two and three. He said they make their decision on each application's merits.

Mr. Semple stated it is an ideal spot for ADA compatibility and the bathrooms are not set up for it. He also said that he used to go to that office to see a doctor and it's a horrible parking lot for parking. He said what they're asking for might not work as far as parking. He said he would lean toward the two units.

Mr. Morrison asked if it would be low-income.

Mr. Bhalt said he would have a real estate agent handle the rentals.

Mr. Morrison said he would be in favor of a 55+ community.

Mr. Elkallassi said he doesn't think it would be wise to restrict to low-income, affordable housing. He said he would be more in favor of two units.

Markum Scott said he was concerned about the value of his house going down. He said there is a lot of traffic on that road now and he wouldn't like to see kids there.

Mr. Elkallassi said he thought it would be better to see three units, one bedroom.

Ms. DeBonise said she would agree and that Mr. Semple made a good point regarding ADA compliance.

The applicant stated that two of the units would be ADA-compatible.

Mr. Scott said he had a concern for his property.

Mr. Elkallassi said it is a variance request. He said they need to take into consideration an abutter who is opposed to it.

Mr. Larson said it was a tough situation.

Ms. DeBonise said she'd like to see one bedroom, three units and be ADA compliant.

Mr. Eacobacci said he would be in favor of three units, one bedroom each; and Mr. Semple agreed.

Mr. Scott said he doesn't want to be a victim.

Mr. Elkallassi said they can't restrict children but that the Board of Health does do a yearly inspection. He said they have to return with a plan showing one bedroom in each unit and ADA bathrooms.

Mr. Eacobacci made motion to continue to December 28, 2022 and was seconded by Ms. DeBonise. The motion passed unanimously. (4-0-0)

V. PUBLIC HEARINGS:

VI. COMMENTS FROM BOARD MEMBERS:

Mr. Elkallassi asked everyone to attend the next meeting, December 28, 2022, as there were quite a number of hearings on that night.

Ms. DeBonise said she is usually away that week, but she would attend via zoom.

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

Date signed: 12-28-2022

Attest: James W. Eacobacci

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____

WAREHAM TOWN CLERK
2023 JAN 3 PM 5:06