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

**Date of Meeting: February 27, 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

Robert Haskell, Associate

Also present: Kenneth Buckland, Town Planner

Charles Rowley, Town Review Engineer

1. **PRELIMINARY BUSINESS**
2. **Approve meeting minutes: February 13, 2019**

**MOTION: Mr. Eacobacci moves to accept the minutes as presented. Motion is seconded.**

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

1. **10-18 – Tim Smith – 83 Pinehurst Drive – Minor Modification**

**This matter has been resolved outside of the Board.**

**MOTION: Mr. Eacobacci moves to dismiss this matter. Mrs. Debonise seconds.**

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

1. **28-11 - Rosebrook Place – Site Plan Modification**

Present before the Board: Richard Serkey, Esquire

Mr. Serkey is before the Board to present a plan from A.D. Makepeace regarding a Special Permit granted in June 2011, with a minor modification in February 2016. The project received its final Certificate of Occupancy in December 2018. The applicant is requesting a Site Plan modification presented to the Board. Mr. Serkey has created a proposed Owner’s Association Trust in order to enforce the conditions on the site from landowner to landowner. A.D. Makepeace is requesting that the Zoning Board sign the Association documentation, which is a modification to the original permit. Mr. Bowen has received a copy of this Association.

**MOTION: Mr. Eacobacci moves to endorse the letter for the Owner’s Association Trust. Ms. Kendrick seconds.**

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

1. **PUBLIC HEARINGS**
2. **3-19 – Joseph & Anne Gomes – 22-24 Shangri-La Boulevard**

Mr. Elkallassi abstains, Mr. Haskell will vote on this matter.

Present before the Board: Leonard Bello, Attorney

The applicant is requesting to construct a new 24’ x 36’ detached garage. It states that an accessory structure must have a setback greater than or equal to the primary structure, in this instance the garage would have less of a setback than the dwelling. Due to the topography of the site and the location of the water, this project meets the requirements of a Variance.

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

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

**MOTION: Mr. Morrison moves to approve the Variance as presented because the project is not detrimental to the neighborhood and the site meets the requirements of shape, size, and topography. Mr. Haskell seconds.**

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

1. **5-19 – Verizon Wireless – 191 Main Street**

Present before the Board: Carl Gehring

Don Hays, Certified Health Specialist

Greg Buchard, Real Estate

Dan Brown, Radio Frequency Engineer

Mr. Gehring goes over the project, being a proposed 10 foot wireless rooftop antenna on top of an existing building. The application requires a Special Permit for the Use, but also requires a Variance due to the height restrictions. The building is already non-conforming as to the height, and they are proposing to add 10’ to height with the antenna. This is what they call a stealth installation, as the antenna is hidden inside a compartment on the roof. This antenna will be placed on top of the elevator shaft bump out and cannot be seen from certain angles on the street. This is proposed to be painted white with the elevator bump out to match.

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

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

**MOTION: Mr. Eacobacci moves to grant a Special Permit and a Variance for the application as presented with the standard conditions. Mr. Morrison seconds.**

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

1. **6-19 – Denise Kissell – 91 Great Neck Road**

Present before the Board: Denise Kissell & Jason Thompson

The applicant is requesting a Special Permit, at the direction of the Building Commissioner, to construct a riding stable to house goats and one donkey.

Present before the Board: Roxanne Raymond

Ms. Raymond is in favor of this application.

Present before the Board: Scott Fitzgerald

Ms. Raymond is in favor of this application.

Present before the Board: Allen Tosey

Ms. Raymond is in favor of this application.

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

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

**MOTION: Mr. Eacobacci moves to approve the Special Permit with the standard conditions as well as the added condition with the maximum of five goats and one mule or one miniature donkey. Mr. Morrison seconds.**

**VOTE; (5-0-0)**

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

Present before the Board: Richard Serkey, Esquire

Steven & Cheryl Yurasha

Mr. Elkallassi recuses himself from this hearing, Mr. Haskell will vote on this matter.

Present before the Board: Richard Serkey, Esquire

Mr. Serkey is representing Steven and Cheryl Yurasha, who are seeking a Variance for the front setback of their shed. Currently, the Zoning By-Law states that an accessory structure must have a setback equal to or greater than the primary structure. Part of this property borders on Upper Pond and there are wetlands on the property. If the shed were located with the same setback as the house it would be located in the wetlands. The accessory structure has already been constructed, but is screened by trees in the front of the yard. There is a petition in the file that shows support of neighbors in the neighborhood. There is also an anonymous letter in the file from an abutter in opposition to this project.

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

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

**MOTION: Mr. Morrison moves to approve the application for the Variance. Ms. Kendrick seconds.**

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

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

Ms. Nassif requests the hearing be continued until April 24, 2019 in order to obtain a Certified Plot Plan of her property.

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

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

1. **4-19 – LDE Holdings – 6 Thacher Lane**

**MOTION: Mr. Eacobacci moves to continue the public hearing. Motion seconded.**

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

1. **REPORT FROM DIRECTOR OF PLANNING**
2. **ANY OTHER BUSINESS/DISCUSSIONS**

Mr. Buckland makes note that the application with RMRM to construct a new parking lot was extended multiple times. Mr. Serkey had applied for a constructive approval, at which point Mr. Buckland felt the regulatory time to file for a constructive approval had passed. Mr. Serkey has agreed to put a Covenant in place on the property that the applicant will wait until after the Cranberry Highway taking and construction, and will within three months of completion of the construction would re-apply before the board for the parking lot. Town Counsel, Mr. Bowen had reviewed this and stated it was a matter to be determined between Mr. Serkey and Mr. Buckland. The Board agrees to sign the Covenant Agreement.

**MOTION: Mr. Haskell moves to sign the Covenant as presented. Ms. Kendrick seconds.**

**VOTE: (4-0-1) Mr. Eacobacci abstains**

1. **Correspondence**

**Upcoming Hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **April 24, 2019** | **#23-18** | **Special Permit/Site Plan Review** | **Anthony Grosso** | **1 Rae Avenue** |

**Decision Deadlines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **May 8, 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** |
| **March 16, 2019** | **#34-18** | **Variance** | **Steven & Cheryl Yurasha** | **9 Jordan Road** |
| **May 14, 2019** | **#4-19** | **Special Permit/Site Plan Approval** | **LDE Holdings** | **6 Thacher Lane** |
| **June 7, 2019** | **#3-19** | **Variance** | **Joseph & Ann Gomes** | **22-24 Shangri-La Boulevard** |
| **Special Permit - May 28, 2019/Variance -June 7, 2019** | **#5-19** | **Special Permit/Variance** | **Verizon Wireless** | **191 Main Street** |
| **May 28, 2019** | **#6-19** | **Special Permit** | **Denise Kissell** | **91 Great Neck Road** |

1. **STAFF REPORT**
2. **Board Roles and Responsibilities**
3. **NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.**

**VI. ADJOURNMENT**

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

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

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

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

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

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