

Wareham Zoning Board of Appeals  
Wednesday, June 28, 2023 – 6:30 p.m.  
Minutes

WAREHAM TOWN CLERK  
2023 JUL 25 PM2:15

**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 (via Phone), Veronica DeBonise (arrived at 6:33 p.m.), Troy Larson, and Jake Morrison.

Town Planner, Ken Buckland, was present.

**III. PRELIMINARY BUSINESS**

1. **Approval of Meeting Minutes: 6/14/2023** – Mr. Eacobacci made a motion to approve minutes as presented and was seconded by Mr. Morrison. The motion passed unanimously. (5-0-0)

**IV. PUBLIC HEARINGS:**

1. **22-23 Town Fair Tire – Site Plan Review & Special Permit – 2991 Cranberry Highway – Map 15, Lot C**

Jeffrey Hassett, of Morse Engineer was present and stated that Town Fair Tire was looking to move into a bigger unit. He reviewed the project and stated they would be proposing some changes to the façade as well as a few interior renovations. He said they had a lot of parking both in front and behind the building. He said they are aware they need to get a permit any signage and they would put the gate for the dumpster on the opposite side, per the peer review recommendations from the Town's engineer.

Phil Cordeiro, of Allen & Major Associates, which is the Town Engineer submitted an email addressing the dumpster enclosure and the signage.

The board had no questions. There was no public comment. Mr. Buckland stated the Fire Department and Board of Health both submitted letters that they were okay with the project.

**Motion to close:** Mr. Eacobacci made a motion to close the public hearing which was seconded by Mr. Semple. The motion passed unanimously. (6-0-0).

**Motion to approve:** Mr. Eacobacci made a motion to approve the plans as submitted with the condition that the sign needs to be done through a building permit. The motion was seconded by Mr. Semple and passed unanimously. (5-0-0)

**2. 23-23 Kim and Mark Aron – Special Permit and/or Variance – 84 Pinehurst Drive  
– Map A/1, Lot D**

Mr. Eacobacci read the advertisement in for the record.

Mr. Lockwood of Lockwood Architects was present for the applicant. He first corrected that the structure was 16', not 6' as read. He reviewed the addition as a 16x22.3; with a 6' deck over the structure. He said they would be increasing the F.A.R., which would put them over the 30% limit. He read from the zoning by-laws in reference to section 13.92, #1; noting about building a dormer and how many feet they could build it if they were building a dormer.

Building Commissioner, Paul Turner was present and reviewed the referenced by-law regarding dormers.

Mr. Semple asked if the deck would be closed in. He said he'd like a condition that it can't be closed in. There were no other concerns from board members.

Resident and direct abutter, Dr. Timothy Smith asked how high the structure will be going. Dr. Smith shared concerns that his water view would be blocked if this addition took place, which would make his home value decrease.

Mr. Elkallassi said that water views for other neighbors aren't taken into consideration from a Zoning Board point of view unless the abutter had something written on his deed with that type of deed restriction.

Ms. DeBonise said that the applicant still has the right to build up. She said she does not feel it would be detrimental to the neighborhood because it is by right that he can build up 2%.

Mr. Semple left the meeting at 7:06 p.m. Mr. Larson will be voting in his place.

70 Pinehurst Drive Resident, Mr. Bob asked a few questions regarding the right to build and what that meant.

The board reviewed the hardship to grant the 190sq feet for the addition. Mr. Elkallassi asked what the hardship was.

Ms. Lockwood said the shape of the lot is not ideal, the property is in a flood zone and the hardship that there's not much they can do with the property.

Mr. Elkallassi said he's not stuck for setbacks, and that being in a flood zone is not a hardship. He did understand that there is some uniqueness to the property. He said, though that he didn't think there existed a hardship.

Ms. DeBonise said that the hardship is a stretch.

Mr. Eacobacci said the 2% is not detrimental to the neighborhood.

A few board members agreed they did not feel it was a hardship.

Mr. Lockwood asked for a continuance.

Mr. Eacobacci made a motion to continue to July 12, 2023, and was seconded by Mr. Morrison. Mr. Eacobacci asked board members to take a ride to the area to visit the site. The motion passed unanimously. (5-0-0).

**3. 24-23 Tina DeAngelis – Special Permit and/or Variance – 21 Bayberry Road – Map 28, Lot(s) 47 & 48**

Mr. Eacobacci read the advertisement in for the record. 12x12 gazebo attaching to an existing porch in the R60 zoning district.

Mr. Lockwood was present for the applicant. He reviewed the project to construct a gazebo porch to an attached existing porch, non-water side and they'd like to add this to look toward the water view. He said it's a 12x12 project.

Board members had no further concerns. They agreed to act on this as a Special Permit.

**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 as a Special Permit:** Mr. Eacobacci made a motion to act as a Special Permit as it is not detrimental to the neighborhood and was seconded by Mr. Larson. The motion passed unanimously. (5-0-0)

**Motion to approve:** Mr. Eacobacci made a motion to approve as a Special Permit as it is not detrimental to the neighborhood with all the standard conditions. The motion was seconded by Mr. Larson and approved unanimously. (5-0-0).

**V. ANY OTHER BUSINESS/DISCUSSIONS**

Mr. Elkallassi asked if the board members were okay with Mr. Turner attending the meetings and if they would support sending that recommendation to the Selectboard. Members agreed it was nice to have Mr. Turner attend if they had questions and/or any technical matters.

Mr. Eacobacci said he'd be satisfied with him being even here, even via Zoom

Mr. Eacobacci made a motion to support Mr. Turner to be able to attend ZBA Meetings which was seconded by Mr. Larson. The motion passed unanimously. (5-0-0).

**VI. COMMENTS FROM BOARD MEMBERS**

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

Date signed: 7-12-2023

Attest: James R. Eacobacci

James Eacobacci, Clerk  
WAREHAM ZONING BOARD OF APPEALS

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2023 JUL 25 PM2:15

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