

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: February 8, 2017

I. CALL MEETING TO ORDER

The meeting was called to order at 6:35 P.M.

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
Jim Eacobacci, Clerk (Arrived at 6:53 P.M.)
Jan Kendrick
Karl Baptiste
Wilma Engerman

Members Absent: Ernie Alden
Jake Morrison

Also present: Kenneth Buckland, Director of Planning

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: December 28, 2016 & January 11, 2017

Mr. Elkallassi stated he has some comments on a hearing held on January 11, 2017. He stated Mr. Alden has disagreed with what was written in the minutes for a particular hearing and he would like the minutes revised.

MOTION: Mr. Baptiste moved to approve the meeting minutes of December 28, 2016. Ms. Kendrick seconded.

VOTE: Unanimous (4-0-0)

B. Discussion: Findings needed for Petition #45-16 – Lenord Cubellis – 197 Onset Avenue

The Board reviewed the information for Petition #45-16. It was stated that Town Counsel has indicated that the vote cannot be left open as it was by the Board and that a definitive motion must be made. The Board must make a definitive vote on the hearing. Brief discussion ensued.

Ms. Engerman testified she has reviewed the tape from the previous hearing so she may vote.

MOTION: Mr. Eacobacci moved to grant a Variance to construct an addition for Petition #45-16 – Lenord Cubellis – 197 Onset Avenue, Onset, MA. Mr. Elkallassi seconded.

VOTE: (3-2-0)
Ms. Engerman & Mr. Baptiste opposed

NOTE: The request for a Variance failed to carry for lack of four positive votes of the five member Board as required by MGL, Chapter 40A, Section 15 and further, the Board finds that the impacts from the expansion/addition will be detrimental to the neighborhood.

IV. PUBLIC HEARINGS

V. CONTINUED PUBLIC HEARINGS

A. Petition #3-17 – Joe Gomes, c/o John DeFaria – 24 Shangri-La Boulevard

Present before the Board: John DeFaria

The applicant is requesting to install a 7'x23' closet addition to a pre-existing, non-conforming single family structure and modify the roof. There is no excavation proposed.

Based on a letter dated November 21, 2016 from the Director of Inspectional Services states that the structure is 9 ft. from the side lot line where 30 ft. is required. A Special Permit or in the alternative, a Variance is required from the ZBA.

NOTE: Mr. Eacobacci arrived at 6:53 P.M.

Discussion ensued.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #3-17 – Joe Gomes, c/o John DeFaria – 24 Shangri-La Boulevard. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Kendrick moved & Mr. Eacobacci seconded to grant a Special Permit to construct a closet on top of an existing bump-out on an existing building for Petition #03-17 – Joe Gomes, c/o John DeFaria – 24 Shangri-La Boulevard based on the following:

- Project will not be more detrimental to the neighborhood.
- Project will not derogate from the Zoning Bylaws.

Further, the granting of the Special Permit is subject to the following conditions:

1. To be constructed per plan dated June 20, 2014 by JC Engineering, Inc.

2. Project not to exceed the existing footprint.
3. Conservation & Fire Department sign-offs on project shall apply.
4. Standard conditions.

VOTE: Unanimous (5-0-0)

B. Petition #6-17 – Afif El Baba – 3070 Cranberry Highway

Present before the Board: No one was present

It was stated the applicant has requested to continue the hearing to February 22, 2017.

MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #6-17 – Afif El Baba – 3070 Cranberry Highway to February 22, 2017. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

1. See correspondence sent via email and/or in packets.

B. Upcoming Hearings:

February 22, 2017	#01-17	Patrick Sheehan	30 Pine Tree Drive
February 22, 2017	#02-17	Philip Sheridan, Tr.	104 Pinehurst Drive
February 22, 2017	#08-17	Charles L. McHugh	9 Sippican Road

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

NOTE: A request for the de-commissioning bond re: the solar project for the Clean Energy Collective at 0 Squirrel Island Road was made. The applicant will be placing a \$70,000.00 bond per the conditions of the approval.

VIII. ADJOURNMENT

MOTION: Ms. Kendrick moved to adjourn the meeting. Mr. Eacobacci seconded.

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____