

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: April 13, 2016

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
James Eacobacci, Clerk
Wilma Engerman
Karl Baptiste
Jan Kendrick

Also present: Ken Buckland, Town Planner

Members Absent: Tim Lydon, Associate Member

I. PRELIMINARY BUSINESS

II. PUBLIC HEARINGS

A. Petition #14-16 – Michael & Linda Mandela – 4 Greene Street

Present before the Board: Michael & Linda Mandela

Mr. Mandela stated he is requesting to enclose his existing deck. He explained he has a 6'x16' deck located ten feet from their property line. He is hoping to screen in the deck.

According to a letter from the Building Commissioner dated February 25, 2016, there had been an application for a 10x16 deck which had gone before the ZBA for a Special Permit back in 2006. A decision was reached that the deck be reduced to 10x10 putting it in compliance w/ zoning, but no roof may be placed on it. A Special Permit would be required to place a roof on the deck.

Present before the Board: Mr. Bearice, Abutter from 6 Greene Street

Mr. Bearice stated he is disputing the property lines between his home and the Mandela's home. He is opposed to the Mandela's covering their deck due to their close proximity to his home. He expressed concern that this project would limit air flow and visibility for him. He also expressed concern that the project would reduce the property value of his home.

Brief discussion ensued.

MOTION: A motion was made and seconded to close the public hearing for Petition #14-16 – Michawl & Linda Mandela – 4 Greene Street.

VOTE: (5-0-0)

MOTION: A motion was made and seconded to grant a Special Permit to enclose an existing deck for Petition #14-16 – Michael & Linda Mandela – 4 Greene Street based on the fact that the petitioner demonstrated that the project would not derogate from the Bylaw and further, the Special Permit is granted w/ standard conditions and the following added conditions:

- The structure is to be only a seasonal structure and for seasonal use.
- A plan drawn by a registered surveyor to be submitted to the Building Inspector demonstrating a 10 ft. side yard setback.

VOTE: (5-0-0)

III. CONTINUED PUBLIC HEARINGS

A. Petition #11-16 – Anibal Barroso – 3251 Cranberry Highway

Present before the Board: Matthew_____, Gateway Survey Associates

The representative stated petitioner is requesting a Special Permit to apply for a Class II automobile operation to sell used cars. According to the Building Commissioner's letter dated December 23, 2015, the application for a Class II automobile operation at this location will require a Special Permit under Section 321 of the Town's Zoning Bylaws.

Mr. Elkallassi stated the petitioner needs to go to the Conservation Commission & there is a need to provide the Board with a drainage report. He also asked for additions to the plan, such as landscaping, restroom depiction, parking lot design, & curb cuts.

Mr. Elkallassi asked the petitioner to re-appear before the Board with changes to the plan. He also explained that the State needs to grant the curb cut recommendation before the Board can approve the plan.

Brief discussion ensued.

MOTION: A motion was made and seconded to continue the public hearing for Petition #11-16 – Anibal Barroso – 3251 Cranberry Highway to May 25, 2016.

VOTE: (5-0-0)

B. Petition #12-16 – Matthew & Kathleen Shannon – 1 Wareham Lake Shores Drive

Present before the Board: Matthew & Kathleen Shannon

Mr. Shannon stated he is requesting a Variance to construct a detached garage. He explained the project has already gone through the Conservation Commission for approval.

Brief discussion ensued.

MOTION: A motion was made and seconded to close the public hearing for Petition #12-16 – Matthew & Kathleen Shannon – 1 Wareham Lake Shores Drive.

VOTE: (5-0-0)

MOTION: A motion was made & seconded to grant a Variance for #12-16 – Matthew & Kathleen Shannon – 1 Wareham Lake Shores Drive, Wareham, MA with the following findings:

- Given the shape of the lot & its irregularity, it limits the petitioner’s ability to place the garage in any other location.
- The project is not a detriment to the public good & does not derogate from the intent of the Zoning Bylaw.

Further, the granting of the Variance is subject to standard conditions & the following additional condition:

- Garage to be used as a garage only, with no plumbing.

VOTE: (5-0-0)

C. Petition #13-16 – Alan R. Hesse – 11 Broadmarsh Avenue

Present before the Board: Bill Madden, G.A.F. Engineering, Inc.

Mr. Madden explained the petitioner is requesting a Special Permit to raze an existing dwelling on a non-conforming lot and replace the old structure with a new modular structure.

Discussion ensued.

MOTION: A motion was made and seconded to close the public hearing for Petition #13-16 – Alan R. Hesse – 11 Broadmarsh Avenue.

VOTE: (5-0-0)

MOTION: A motion was made and seconded to grant a Special Permit for Petition #13-16 – Alan R. Hesse – 11 Broadmarsh Avenue with the following findings.

- The proposal will not be more detrimental to the neighborhood and is in harmony with the area.
- The proposal does not derogate from the purpose or intent of the Zoning Bylaw.

Further, the Special Permit is granted w/ standard conditions & the following additional condition:

- No portion of the property may be sold to an abutter.

VOTE: (5-0-0)

IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Upcoming Hearings

April 27, 2016	Petition #9-16	Strategic Holdings	83 Sandwich Road
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	(Cont'd.)		
April 27, 2016	Petition #15-16	William & Annmarie Sampson	4 Beaver Creek Lane
April 27, 2016	Petition #16-16	John & Barbara Kellegren	64 West Boulevard

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

III. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting.

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____