

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: June 22, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 6:34 P.M.

II. ROLL CALL

Members Present: Nazih Elkallassi, Chairman
James Eacobacci, Clerk
Wilma Engerman
Karl Baptiste
Jan Kendrick
Tim Lydon, Associate member
Ernie Alden, Associate member
Jacob Morrison, Associate member

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: March 23, 2016 & April 13, 2016

MOTION: Mr. Eacobacci moved to accept the minutes as presented for March 23, 2016 and April 13, 2016. Mr. Baptiste seconded.

VOTE: Unanimous (5-0-0)

II. PUBLIC HEARINGS

A. Petition #23-16 – Kenneth Monteiro – 9 Camp Street

Present before the Board: Bill Lockwood, Lockwood Architects

The public hearing notice was read into the record.

The applicant is requesting a Special Permit to renovate an existing structure, add porches, demolish two existing sheds and construct a two car garage. The applicant will also be doing foundation work.

Based on the letter from the Building Commissioner dated April 19, 2015, the property listed is already non-conforming due to lack of front & side setbacks. The proposed addition will require a Special Permit under Section 1335.

The Board members reviewed & discussed the plans.

MOTION: A motion was made & seconded to close the public hearing for Petition #23-16 – Kenneth Monteiro – 9 Camp Street.

VOTE: Unanimous (5-0-00)

MOTION: Mr. Eacobacci moved & Ms. Kendrick seconded to grant a Special Permit to renovate an existing structure, add porches, demolish two existing sheds, & add a new two-car garage with apartment unit on the second level to the existing structure for Petition #23-16 – Kenneth Monteiro – 9 Camp Street with standard conditions finding the following:

- The proposal will not be more detrimental to the neighborhood.
- The proposal makes any existing non-conformance less non-conforming.

VOTE: Unanimous (5-0-0)

B. Petition #24-16 – Christopher Rendel – 7 Kingwood Street

Present before the Board: Bill Lockwood, Lockwood Architects
Christopher Rendell

The public hearing notice was read into the record.

The applicant is requesting a Special Permit and Variance to construct an addition and an in-law apartment in the R-30 zoning district. There is an existing house on the property. The applicant is requesting to construct a two-car garage and to construct a kitchen in the lower level of the house to create an in-law apartment for his mother and disabled sister.

Mr. Elkallassi asked if the property is in a flood zone. Mr. Lockwood stated it is. Mr. Elkallassi asks how they can construct on the lower level if they are in a flood zone. Mr. Lockwood stated a permit was pulled to construct partitions in the lower level of the house.

MOTION: A motion was made & seconded to close the public hearing for Petition #24-16 – Christopher Rendel – 7 Kingwood Street.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Eacobacci moved & Mr. Baptiste seconded to grant a Special Permit & a Variance to construct an addition & an in-law apartment for Petition #24-16 – Christopher Rendel – 7 Kingwood Street with the following conditions for the Special Permit & Variance:

Special Permit:

1. Proposed construction not to encroach more than 17 feet to the east.

2. **There is to be no second floor on the garage. It is to be a single-story structure.**

VOTE: Unanimous (5-0-0)

Variance:

1. **Standard conditions apply.**
2. **There is to be a deed restriction recorded at the Registry of Deeds stating the proposed construction is for family use & non-transferrable.**
3. **All necessary permits shall be secured through all pertinent boards, commissions, etc.**
4. **The proposed structure use is for immediate family only.**

Concerning the Variance request, Mr. Eacobacci asked Mr. Lockwood if it would be difficult to raise the floor six inches to remove it from the flood zone. Mr. Lockwood states it would not be feasible.

VOTE: 4-1-0

C. Petition #25-16 – Stephen Pratt – 80 Papermill Road

Present before the Board: Stephen & Rebecca Pratt, 80 Papermill Road

The public hearing notice was read into the record.

The applicant is requesting a Special Permit to demolish an existing dwelling and construct a new dwelling. The dwelling is an existing non-conforming structure. According to the Building Commissioner's letter dated May 4, 2016, the request is to demolish & reconstruct a dwelling on a non-conforming lot, coming no closer than existing setbacks which require a Special Permit under Section 1335. The Bylaw calls for 150' and the current dwelling has 97'.

The applicants stated they will not encroach on any property lines and they are currently awaiting their hearing with the Conservation Commission.

The Board reviewed the plans submitted.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #25-16 – Stephen Pratt – 80 Papermill Road. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Eacobacci moved & Ms. Kendrick seconded to grant a Special Permit for Petition #25-16 – Stephen Pratt – 80 Papermill Road w/ the finding that the proposal

makes any existing non-conformance less non-conforming & w/ standard conditions & the following additional condition:

- All necessary permits to be acquired by all applicable boards, commissions, etc.

VOTE: Unanimous (5-0-0)

III. CONTINUED PUBLIC HEARINGS

A. Petition #20-16 – Chris Timson – 4 Cameron Street

Present before the Board: Chris Timson, 89 Access Road, Suite 21

The applicant is requesting a Special Permit/Variance to replace a pre-existing non-conforming four- family dwelling destroyed by fire with two separate two- family dwellings. The parking was moved from the rear of the lot so people weren't driving between the buildings. The air conditioners were moved to the rear of the dwellings. The Fire Department has reviewed the plan and does not have any concerns.

Present before the Board: Shannon Boer, 2 Cameron Street

Ms. Boer expressed concern re: the removal of the damaged dwelling & the potential to cause damage to her property, namely her driveway. Mr. Elkallassi stated if there is damage, the applicant is liable and will be responsible for fixing any damages.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #20-16 – Chris Timson – 4 Cameron Street. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Eacobacci moved & Ms. Engerman seconded to grant a Special Permit and a Variance to replace a pre-existing, non-conforming four-family dwelling destroyed by fire w/ two separate two-family dwellings for Petition #20-16 – Chris Timson – 4 Cameron Street w/ the Board finding that the proposal meets Special Permit standards as presented & the applicant demonstrated & met the statutory requirements of a Variance and further, standard conditions apply as well as the following additional conditions for the Variance:

- Lighting not to shine more than 15 ft.
- No bright lighting.
- There is to be weekly trash removal.
- There are to be no un-registered vehicles on the premises.
- To be built per plan dated April 26, 2016 stamped by Norman Lipsitz of Gateway Survey Associates, LLC.

VOTE: Unanimous (5-0-0)

B. Petition #9-16 – Strategic Holdings – 83 Sandwich Road

No-one was present representing the applicant.

MOTION: A motion was made & seconded to continue the public hearing for Petition #9-16 – Strategic Holdings – 83 Sandwich Road to July 13, 2016 & further, if the applicant does not appear before the Board, the project will be denied with prejudice.

VOTE: Unanimous (5-0-0)

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

Present before the Board: Richard Serkey, Esq.

Attorney Serkey stated the applicant is requesting a further continuance because he (Attorney Serkey) has not been involved in previous hearings. After a brief discussion, Mr. Elkallassi stated if the applicant can provide proof of the last vehicle sale, it would make the current process much easier.

MOTION: A motion was made & seconded to continue the public hearing for Petition #11-16 – Anibal Barroso – 3251 Cranberry Highway to July 13, 2016.

VOTE: Unanimous (5-0-0)

D. Petition #22-16 – Peter Calitri – 23 Fishermans Cove Road

Present before the Board: Peter Calitri

The applicant is requesting a Special Permit to remove an existing cottage and replace it with a new cottage. At the last hearing, the Board had asked for architectural drawings. The applicant provided the drawings to the Board. The Board proceeded to review the drawings.

MOTION: A motion was made & seconded to close the public hearing for Petition #22-16 – Peter Calitri – 23 Fishermans Cove Road.

VOTE: Unanimous (5-0-0)

MOTION: Ms. Engerman moved & Mr. Eacobacci seconded to grant a Special Permit for Petition #22-16 – Peter Calitri – 23 Fishermans Cove Road to remove an existing cottage & replace it w/ a new cottage w/ the Board finding the proposal makes any existing non-conformance less non-conforming & the proposal would be an improvement to the neighborhood, and further, standard conditions apply.

VOTE: (4-1-0)

IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Discussion re: Zoning Bylaws – Ken Buckland, Town Planner

Mr. Buckland reviewed proposed changes to the Zoning ByLaws that were discussed with the Building Inspector. Mr. Buckland requested the Board vote which items they would like to see put before Town Meeting.

MOTION: A motion was made and seconded to present the Planning Board with the items presented by Mr. Buckland this evening.

VOTE: Unanimous (5-0-0)

C. Upcoming Hearings

July 13, 2016	Petition #19-16 (Cont.'d)	J. Donegan Company	2419 & 2427 Cranberry Highway & 4 Seth Tobey Road
July, 13 2016	Petition #26-16	Solbright Renewable Energy, LLC	0 Squirrel Island Road
July 13, 2016	Petition #27-16	Boone Ferri	3127 Cranberry Highway

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

Mr. Eacobacci noted the Board has agreed to re-organize annually.

MOTION: Mr. Baptiste moved to keep the current organization of the Board as is. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

VI. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____