

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: August 24, 2016

I. CALL MEETING TO ORDER

The meeting was called to order at 6:38 P.M.

II. ROLL CALL

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

Member Absent: Wilma Engerman
Tim Lydon

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: June 22, 2016.

MOTION: Mr. Eacobacci moved to approve the meeting minutes of June 22, 2016. Mr. Baptiste seconded.

VOTE: Unanimous (4-0-0)

II. PUBLIC HEARINGS

A. Petition #34-16 – Robert & Margaret Perry – 0 Squirrel Island Road

Present before the Board: Robert Perry

The public hearing notice is read into the record.

Mr. Perry explained he is requesting a Variance from the required buffer and frontage for a proposed solar farm. The initial lot that he was intending to use for the solar farm has wetlands on site, which has compelled him to request the Variance for the use on a separate lot other than the lot with the wetlands and the shape of the lot creates a hardship. Discussion ensued.

Present before the Board: Joe Crespi

Mr. Crespi stated he owns a lot across from this proposed project. He stated he is in favor of this project, however, he noted he has spoken to Mr. Perry about widening Squirrel Island Road since the road is only 13' wide. Mr. Elkallassi stated the Board cannot interfere with this matter as it is

not part of the hearing. Brief discussion ensued. Mr. Crespi and Mr. Perry came to an agreement re: the road.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #34-16 – Robert & Margaret Perry – 0 Squirrel Island Road and to grant a Variance from the requirements from Section 10, subsection 1042 & Section 621 with reasons & conditions to be stated in the decision. Ms. Kendrick seconded.

VOTE: Unanimous (4-0-0)

B. Petition #35-16 – 260 County Road Solar, LLC – 260 County Road

Present before the Board: Richard_____, Prime Engineering

The public hearing notice is read into the record.

Mr. _____ explained he is requesting a Special Permit to install a large scale ground mounted photovoltaic solar array. The proposed site has an existing access drive that goes to a gravel operation. The site is on County Road. He is proposing 1,900 individual panels on racks. It will be just under 600k.w. that will be converted.

Brief discussion ensued. The Board noted they have not yet received Mr. Rowley's review letter (re: an engineering review). The Board concurred to continue the public hearing until the Board has received said letter.

MOTION: Mr. Eacobacci moved to continue the public hearing for Petition 35-16 – 260 County Road Solar, LLC – 260 County Road until September 14, 2016. Ms. Kendrick seconded.

VOTE: Unanimous (4-0-0)

C. Petition #36-16 – Wareham New Bedford Elks Club – 2855 Cranberry Highway

Present before the Board: Guy D'Antonio

The public hearing notice was read into the record.

Mr. D'Antonio is requesting a Variance to replace an existing sign with an electronic message board. The proposed sign is lighted on one side and is proposed to be 13'7". He stated the Elks Club wants it known that they would be in favor of putting up messages for the Town as well. Discussion ensued.

MOTION: Mr. Eacobacci moved to close the public hearing for Petition #36-16 – Wareham New Bedford Elks Club – 2855 Cranberry Highway. Ms. Kendrick seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Eacobacci moved & Ms. Kendrick seconded to approve a Variance from the requirements of Section 1126 & Section 313 of the Wareham Zoning Bylaws to replace an existing sign with an electronic message board for Petition #36-16 – Wareham New Bedford Elks Club – 2855 Cranberry Highway with the following findings:

- The requested Variance meets the statutory requirements for granting a Variance pursuant to MGL Chapter 40A§10.
- There are circumstances related to soils, shape & topography that especially affect the subject property that does not generally affect the zoning district in which the structure or land is located.
- A literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner.
- Desirable relief may be granted without detriment to the public good. The proposed is not detrimental to the public good: it is an improvement to the existing structure and to the neighborhood.
- The Variance will not nullify or substantially derogate from the intent or purpose of the Bylaw.

Further, the Variance is granted w/ standard conditions.

VOTE: Unanimous (4-0-0)

III. CONTINUED PUBLIC HEARINGS

A. Petition #32-16 – Alternate Power & Energy – 418 County Road

The applicant has requested a continuance to September 14, 2016.

MOTION: A motion was made and seconded to continue the public hearing for Petition #32-16 – Alternate Power & Energy – 418 County Road to September 14, 2016.

VOTE: Unanimous (4-0-0)

B. Petition #33-16 – Douglas Bourgault d/b/a Cape & Islands Tire – 3057 Cranberry Highway

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

The applicant is requesting a continuance since there is no quorum for this petition.

MOTION: A motion was made & seconded to continue the public hearing for Petition #33-16 – Douglas Bourgault d/b/a Cape & Islands Tire – 3057 Cranberry Highway to September 14, 2016.

VOTE: Unanimous (4-0-0)

IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Upcoming Hearings

September 14, 2016	Cont.'d: Petition #27--16	Boone Ferri	3127 Cranberry Highway
September 14, 2016	Cont.'d: Petition #31-16	Patricia Moncey	41 Oak Street
September 14, 2016	Petition #37-16	Ed Lavalle	18 Nanumett Street

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

III. ADJOURNMENT

MOTION: Mr. Eacobacci moved to adjourn the meeting at 7:40 PM. Ms. Kendrick seconded.

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____