

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: August 12, 2015

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
Jan Kendrick
Tim Lydon, Associate Member

Member Absent: Karl Baptiste

III. PRELIMINARY BUSINESS

A. Approve & sign invoices:

1. Invoice #008012015 from Charles L. Rowley, PE, PLS in the amount of \$190.00.

MOTION: A motion was made and seconded to approve Invoice #008012015 from Charles L. Rowley, PE in the amount of \$190.00.

VOTE: (5-0-0)

2. Invoice #I27160487 from W.B. Mason Co., Inc. in the amount of \$145.49.

MOTION: A motion was made and seconded to approve Invoice #I27160487 from W.B. Mason Co., Inc. in the amount of \$145.49.

VOTE: (5-0-0)

3. Invoice #15-0822 from Gateway Printing in the amount of \$100.00.

MOTION: A motion was made and seconded to approve Invoice #15-0822 from Gateway Printing in the amount of \$100.00.

VOTE: (5-0-0)

B. Approve meeting minutes: July 22, 2015.

MOTION: A motion was made and seconded to approve the meeting minutes of July 22, 2015..

VOTE: (3-0-2)

IV. PUBLIC HEARING

A. Petition #12-15 – Robert DeFelice & Gina Sprague – 8A Dale Avenue

Present before the Board: Robert DeFelice

Mr. DeFelice is requesting to demolish an existing dwelling and construct a new dwelling. He explained the original plan was to renovate the building. After the renovation was started, it was discovered that there is not an adequate foundation under the structure. Thus, his plan now is to remove the structure and build a new foundation on the existing footprint then rebuild the same structure as it was previously.

Based on the Building Commissioner's letter dated January 6, 2015, to demolish & rebuild a structure that is legal non-conforming will require a Special Permit per section 1335 of the Zoning Bylaws. This is provided that there is a new foundation that comes no closer to the existing lot lines where there is already an insufficient structure. If the applicant intends to make the project more non-conforming, it will require a Variance. Further, prior to the demolition of the structure, sign-offs will be needed stating that all utilities have been disconnected by the authorities having jurisdiction & sign-offs from all of the Town offices indicated on the Demolition Permit.

The Board reviewed the application & the plans.

MOTION: A motion was made & seconded to close the public hearing for Petition #12-15 – Robert DeFelice & Gina Sprague – 8A Dale Avenue.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to grant a Special Permit for Petition #12-15 – Robert DeFelice & Gina Sprague to demolish an existing dwelling & construct a new dwelling based on the finding that the project will not be detrimental to the area, the project has support from neighbors, the footprint is the same as exists, there will be improvement structurally, & the project conforms with MGL Chapter 40a, & further, the Special Permit is approved w/ the standard conditions & the following additional condition:

- **Petitioner to secure all necessary permits & approvals from all pertinent boards, commissions, etc. before a building permit is granted/issued.**

VOTE: Unanimous (5-0-0)

B. Petition #13-15 – Marie C. Pellagi – 24 Datewood Street

Present before the Board: Attorney Margaret Ishihara

Attorney Ishihara stated the applicant is requesting a Variance from the minimum lot size requirement and also from the frontage requirement. She proceeded to make a presentation relative to the request for a Variance. (See document in folder).

The Board concurred that this particular project is difficult to prove hardship, which is one of the requirements of granting Variance. They suggested a continuance of the hearing.

MOTION: A motion was made & seconded to continue Petition #13-15 – Marie C. Pellagi – 24 Datewood Street August 26, 2015.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARING

There were no continued public hearings at this time.

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence.

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

B. Upcoming Hearings/Meetings.

8/26/15	Petition #14-15	Paul Biscealia	4 Depot Street
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VII. NEW BUSINESS

There was no new business.

VIII. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: 5-25-2016

Attest: James W. Eacobacci
James Eacobacci, Clerk
WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: 5/26/16