**MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS**

**Date of Meeting: February 22, 2017**

1. **CALL MEETING TO ORDER**

The meeting was called to order at 6:45 P.M.

1. **ROLL CALL**

Members Present: Nazih Elkallassi, Chairman

Jim Eacobacci, Clerk

Jan Kendrick (Arrived at 6:47 P.M.)

Karl Baptiste (Arrived at 6:47 P.M.)

Wilma Engerman

Ernie Alden (Arrived at 6:56 P.M.)

Member Absent: Jake Morrison

Also present: Kenneth Buckland, Director of Planning

1. **PRELIMINARY BUSINESS**
2. **Approve meeting minutes: January 11, 2017 (Revised) & January 25, 2017**

**MOTION: Mr. Eacobacci moved to approve the meeting minutes for January 11, 2017 and January 25, 2017. Ms. Engerman seconded.**

**VOTE: Unanimous (3-0-0)**

1. **PUBLIC HEARINGS**
2. **Petition #01-17 – Patrick Sheehan – 30 Pine Tree Drive**

Mr. Elkallassi stated currently, Attorney Bello, Mr. Sheehan’s representative, is doing work for him so he may not be participating in the decision for this petition.

**NOTE:** The hearing was tabled until other members arrived at the meeting. The hearing proceeded at 6:56 P.M.

It was stated that Mr. Alden will sit in for Mr. Elkallassi for this hearing.

The applicant is requesting to construct two exterior decks on an existing dwelling and an egress on the existing garage. The garage on the property is a pre-existing non-conforming structure. Based on a letter from the Director of Inspectional Services dated November 8, 2016, the proposal to construct two decks and an exterior stairwell on the pre-existing non-conforming four-stall garage will require a Special Permit from the ZBA because the rear deck is an intensification of a lawfully pre-existing non-conforming structure & the proposed front egress stairwell will make the structure more non-conforming on the southwest boundary. The letter notes the Board must decide whether this is a substantial increase in the non-conforming nature of the structure & if it will require a Special Permit and/or a Variance.

Discussion ensued. The Board concurred that the decks are not a substantial increase to the non-conforming nature of the structure.

**MOTION: A motion was made & seconded to close the public hearing for Petition #01-17 – Patrick Sheehan – 30 Pine Tree Drive.**

**VOTE: Unanimous (5-0-0)**

**MOTION: Ms. Kendrick moved & Mr. Baptiste seconded to grant a Special Permit to construct two decks on an existing dwelling and an egress to the existing garage for Petition #01-17 – Patrick Sheehan – 30 Pine Tree Drive finding that the construction will not be a substantial increase to the non-conforming nature of the structure and not a detriment to the neighborhood, and further, said Special Permit is subject to the following conditions:**

* **Conditions put in place by the Director of Inspectional Services apply.**
* **Standard conditions apply.**

**VOTE: (4-1-0)**

**Ms. Engerman opposed**

1. **Petition #02-17 – Philip Sheridan, Tr. – 104 Pinehurst Drive**

Present before the Board: Kenneth Michaels

The applicant is looking to construct a 5x10 addition to a non-conforming side deck & to install a generator. The generator cannot be placed on the ground because it is in the flood plain. Based on a letter from the Director of Inspectional Services dated December 13, 2016, the proposed addition to a non-conforming deck is an intensification to a pre-existing non-conformity & requires a Special Permit from the ZBA because the proposed deck addition does not conform to the dimensional requirements of the Zoning Bylaw, an application must be made to the ZBA to expand a pre-existing non-conforming structure, & the project will require a Special Permit unless the ZBA finds that the addition is substantially more detrimental to the neighborhood, in which case a Variance will be required.

Brief discussion ensued.

**MOTION: Mr. Eacobacci moved to close the public hearing for Petition #02-17 – Philip Sheridan, Tr. – 104 Pinehurst Drive. Ms. Kendrick seconded.**

**VOTE: Unanimous (5-0-0)**

**MOTION: Mr. Eacobacci moved & Ms. Kendrick seconded to grant a Special Permit to expand an existing deck and install a generator for Petition #02-17 – Philip Sheridan, Tr. – 104 Pinehurst Drive finding the project will not be a detriment to the neighborhood, and further, the neighbor’s letter shall be part of the record and said Special Permit is subject to the following conditions:**

* **Standard conditions apply.**

**VOTE: Unanimous (5-0-0)**

1. **Petition #08-17 – Charles L. McHugh – 9 Sippican Road**

Present before the Board: Charles L. McHugh

The applicant has an existing cottage on a lot consisting of 780 s.f. of living space that has been used as a summer cottage. There is an enclosed back porch that sits at a lower level than the rest of the house. The applicant is requesting to remove the screened deck and construct a bedroom and dining room addition, as well as repair the front steps. Based on a letter from the Director of Inspectional Services dated January 3, 2017, the new addition will conform to current setback requirements; however, it will increase the non-conforming lot coverage from 25.37% to 34.976%. The proposal also includes expansion of an existing non-conforming front step w/in the required setback. The proposal to increase the non-conforming nature of the structure will require a Special Permit or in the alternative, a Variance if the Board finds the expansion to be more detrimental to the neighborhood. Thus, application must be made to the Board of Appeals to change or expand a pre-existing non-conforming structure & it is noted that the lot does not conform to current zoning regulations & the front step does not meet the required setback for an R-30 zoning district.

Brief discussion ensued re: an engineered plan. The Board requested the applicant return with an engineered plan.

**MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #08-17 – Charles L. McHugh – 9 Sippican Road to March 8, 2017. Ms. Kendrick seconded.**

**VOTE: Unanimous (5-0-0)**

1. **CONTINUED PUBLIC HEARINGS**
2. **Petition #6-17 – Afif El Baba – 3070 Cranberry Highway**

Present before the Board: Afif El Baba

Mr. Elkallassi stated Mr. Rowley, Town Engineer, has performed a review of the project. He noted Mr. Rowley has stated he still has not seen a lighting plan, however, the Special Permit that had been previously granted should still be in effect.

Discussion ensued. The Board agreed that Mr. Rowley should go to the site and inspect the drainage and lighting and to also review the plans to ensure the drainage and lighting are up to current standards.

**MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #6-17 – Afif El Baba – 3070 Cranberry Highway to March 8, 2017. Ms. Kendrick seconded.**

**VOTE: Unanimous (5-0-0)**

1. **ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**
2. **Correspondence**
   1. See correspondence sent via email and/or in packets.
3. **Upcoming Hearings:**

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| **March 8, 2017** | **#09-17** | **Peter & Terri Gordon** | **3 Crooked River Road** |
| **March 8, 2017** | **#10-17** | **Paul Distasio** | **2 Nokomis Road** |
| **March 22, 2017** | **#11-17** | **Karen Welch** | **2667A Cranberry Highway** |

1. **NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate.**
2. **ADJOURNMENT**

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

**VOTE: Unanimous (5-0-0)**

Date signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_