

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: January 11, 2017

NOTE: Mr. Eacobacci made a general announcement before calling the meeting to order explaining that all of the petitions being heard tonight were improperly advertised by the newspaper. All applicants have been called and been given the opportunity to re-advertise their hearing before going forward at tonight's meeting. The meetings were only advertised once where they should have been advertised twice.

Mr. Eacobacci also stated there will only be three members and one associate member at the meeting this evening and anyone requesting a Variance will require a vote in favor from all members to be granted said Variance.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: James Eacobacci, Clerk
Wilma Engerman
Jan Kendrick
Ernie Alden, Associate Member

Members Absent: Nazih Elkallassi
Karl Baptiste
Jake Morrison

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: September 28, 2016 & November 9, 2016.

MOTION: Ms. Kendrick moved to approve the meeting minutes of September 28, 2016.
Mr. Eacobacci seconded.

VOTE: (3-0-1)

MOTION: Mr. Alden moved to approve the meeting minutes of November 9, 2016. Mr. Eacobacci seconded.

VOTE: (2-0-2)

II. PUBLIC HEARINGS

A. Petition #1-17 – Patrick Sheehan c/o 30 Pine Tree, LLC – 30 Pine Tree Drive

The applicant opted not to open the public hearing and to have the hearing re-advertised correctly and heard at the February 8th, 2017 hearing.

B. Petition #2-17 – Philip Sheridan, Trustee c/o Kenneth Michaels – 104 Pinehurst Drive

The public hearing notice was read into the record.

Present before the Board: Ken Michaels

Mr. Michaels explained the applicant is requesting a Variance to cantilever the existing deck and extend the deck three feet to install a generator. The deck is smaller than the side of the house and will not extend past the side of the house. The generator is required for health purposes of the homeowner.

Based on a letter dated December 13, 2016, the Director of Inspectional Services stated that the proposed project would be an intensification to a pre-existing non-conformity & will require approval by the ZBA.

Discussion ensued re: if this application should be advertised as a Variance or Special Permit. After discussion, the Board concurred that this hearing should be re-advertised as both a Variance/Special Permit, not just a Variance to be heard at a date to be determined.

MOTION: Ms. Kendrick moved to deny the Variance request for Petition #2-17 – Philip Sheridan, Trustee c/o Kenneth Michaels – 104 Pinehurst Drive without prejudice and the hearing shall be re-advertised as a Variance/Special Permit. Ms. Engerman seconded.

VOTE: Unanimous (4-0-0)

C. Petition #3-17 – Joe Gomes c/o John DeFaria – 24 Shangri-La Boulevard

The public hearing notice was read into the record.

Present before the Board: John DeFaria

Mr. DeFaria explained the applicant is requesting a Special Permit to construct a 7'x23' closet in an existing bump out on an existing structure. No excavation is required and the project is using existing floor space. A portion of the flat roof will be removed and pitched to accommodate the construction.

Based on a letter dated November 21, 2016 from the Director of Inspectional Services, the proposed construction is 9' from the side lot line where 30' is required. A Special Permit or in the alternative, a Variance is required from the ZBA.

Discussion ensued.

MOTION: Ms. Engerman moved & Ms. Kendrick seconded to grant a Special Permit for Petition #3-17 – Joe Gomes, c/o John DeFaria – 2 Shangri-Law Boulevard with the following condition:

- **The Conservation Department and Fire Department must sign off on the Building Department approval form.**

Mr. Alden stated he is not comfortable voting on the project without seeing pictures of the existing structure.

NOTE: The motion and the second were withdrawn.

MOTION: Ms. Kendrick moved to continue the public hearing for Petition #3-17 – Joe Gomes, c/o John DeFaria – 2 Shangri-La Boulevard to January 25, 2017 to provide pictures of the current structure. Mr. Eacobacci seconded.

VOTE: Unanimous (4-0-0)

D. Petition #4-17 – Sandra A. Assad, Trustee – 5, 7, and 9 Elm Street

The public hearing notice was read into the record.

Present before the Board: Sandra A. Assad
Mr. Assad

The applicant is seeking a Variance to change the use of two buildings, to create four apartment units, and to add one apartment to an existing residence. The applicant owned the Old Company Store and would like to convert the space into four apartments. The original front building will not be changed. The house next door has one apartment on the first floor and they would like to add an apartment to the second floor.

Mr. Assad stated each of the proposed units has their own electricity meter, its own air conditioners, and its own heating systems already installed. The plumbing is also in place. They're only asking to separate the building into units.

The Board asked for some more detailed plans re: the proposed units.

Ms. Engerman requested the flood zone be added to the plans and also requested approval from the Historical Society. She noted that the applicant is asking for a mixed use on the parcel. As she understands, mixed use is a prohibited use in this district.

It was stated a letter from the previous Building Inspector is in the file for the Variance, however, the letter is out of date and a new up-to-date letter should be obtained.

It was also noted that the applicant does owe money for a utility to the Town, which would allow the Board to withhold the permit.

Present before the Board: Selectman Alan Slavin

Selectman Slavin spoke for the Historical Commission. He stated the Historic District has no say as far as the development goes. He also stated the pump that had been placed for Tremont Nail is the pump in question and that the matters of the utility payment is under litigation.

MOTION: Ms. Kendrick moved to close the public hearing for Petition #4-17 – Sandra A. Assad, Trustee – 5,7, & 9 Elm Street. Mr. Eacobacci seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Kendrick moved to deny the application of Petition #4-17 – Sandra A. Assad, Trustee – 5,7, & 9 Elm Street without prejudice. Mr. Eacobacci seconded.

VOTE: Unanimous (4-0-0)

E. #5-17 – ERR Realty Trust c/o New England Coastal Contractors, LLC – 9 Stockton Shortcut

Present before the Board: Brian Grady, G.A.F. Engineering, Inc.

Mr. Grady requested a continuance of the hearing.

MOTION: Ms. Kendrick moved to continue the public hearing for Petition #5-17 – ERR Realty Trust, c/o New England Coastal Contractors, LLC – 9 Stockton Shortcut to January 25, 2017. Mr. Eacobacci seconded.

VOTE: Unanimous (4-0-0)

F. #6-17 – Afif El Baba - 3070 Cranberry Highway

The public hearing notice was read into the record.

Present before the Board: Afif El Baba

Mr. El Baba stated he has just bought the property at 3070 Cranberry Highway. The property was previously a used sales car lot and he would like to use the lot as a used car sales lot again.

Based on a letter dated November 21, 2016 from the Director of Inspectional Services, the Zoning Bylaw requires approval of a Special Permit for this location.

Mr. Eacobacci asked how many cars the applicant is asking to have on the lot. Mr. El Baba stated he will be requesting to have 25 cars. Ms. Engerman asked where the car repairs will be done. Mr. El Baba stated there is a garage in North Attleboro that he will send the cars to for service.

Ms. Engerman stated there needs to be drainage on the site for washing of the cars. Mr. El Baba stated there is drainage on the site. Mr. Eacobacci stated everything looks good for the project, except for the date on the plans. He would like the applicant to bring the plans to an engineer and receive a letter from the engineer stating that the drainage and stormwater runoff management is adequate. Mr. Alden added that engineered plans and landscape plans were also needed.

MOTION: Ms. Kendrick moved to continue the public hearing for Petition #6-17 – Afift El Baba – 3070 Cranberry Highway to January 25, 2017. Mr. Alden seconded.

VOTE: Unanimous (4-0-0)

G. #7-17 – Blaise Scioli – 7 Groveland Street

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

The public hearing notice was read into the record.

Mr. Madden explained the applicant's contractor pulled a permit to construct an addition on an existing house. When the contractor began the work, they found the foundation was not in good standing and replaced the foundation without an additional permit. The existing garage was found to be over the layout line of Groveland Street by six inches.

The Director of Inspectional Services has stated the applicant needed to go before the ZBA to request a Special Permit to correct the issues. The applicant did remove the corner of the garage from the encroachment, but it does not meet setback minimums at this point; although it did reduce the non-conformity. The height of the house did not change & no view is being blocked. The house is less non-conforming than it previously was and is not more detrimental to the neighborhood.

Discussion ensued.

MOTION: Ms. Kendrick moved to close the public hearing for Petition #7-17 – Blaise Scioli – 7 Groveland Street. Mr. Eacobacci seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Kendrick moved & Mr. Eacobacci seconded to grant a Special Permit to reconstruct portions of an existing dwelling & garage for Petition #7-17 – Blaise Scioli – 7 Groveland Street w/ the following conditions:

- To be constructed per plan dated December 13, 2016 as submitted by G.A.F. Engineering, Inc.
- Standard conditions.

VOTE: Unanimous (4-0-0)

III. CONTINUED PUBLIC HEARINGS

IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Upcoming Hearings:

January 25, 2017	Cont.'d. #38-16	Patricia Moncey	41 Oak Street
January 25, 2017	Cont'd. #44-16	Steven Seidel & Adria Steinberg	3 Acorn Street
January 25, 2017	Cont'd. #45-16	Lenord Cubellis	197 Onset Avenue
January 25, 2017	Cont'd. #27-16	Boone Ferri	3127 Cranberry Highway

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

III. ADJOURNMENT

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

VOTE: Unanimous (4-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____