

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: April 27, 2016

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
Karl Baptiste, Sr.
Jan Kendrick

Also present: Ken Buckland, Town Planner

I. PRELIMINARY BUSINESS

A. Approve meeting minutes: January 13, 2016

MOTION: A motion was made & seconded to approve the meeting minutes of January 13, 2016.

VOTE: Unanimous (5-0-0)

B. Approval of improvements re: Pad E – 99 Restaurant

Present before the Board: Attorney Richard Serkey

Mr. Elkallassi stated the improvement plan has been reviewed with the Town Engineer and the improvements look acceptable.

MOTION: A motion was made and seconded to approve as presented re: improvements to Pad E – 99 Restaurant.

VOTE: Unanimous (5-0-0)

II. PUBLIC HEARINGS

A. Petition #15-16 – William & Annmarie Sampson – 4 Beaver Creek Lane

Present before the Board: William & Annmarie Sampson

The public hearing notice was read into the record.

Mr. & Mrs. Sampson stated they are requesting a Special Permit for an existing in-law apartment at 4 Beaver Creek Lane. Mr. Elkallassi asks how many square feet the lot is. Mr. Sampson replied it is 37,000 s.f.

Mr. Elkallassi stated that based on the specifics of the application, the request should be for a Variance and not a Special Permit. He explained the applicant must apply for a Variance and return before the Board. He noted the Variance fee will be waived. The applicant will only need to pay for the advertisement and the abutter notification process.

Mr. & Mrs. Sampson requested the Board make a motion to withdraw the application without prejudice.

MOTION: A motion was made and seconded to withdraw Petition #15-16 – William & Annmarie Sampson – 4 Beaver Creek Lane without prejudice.

VOTE: Unanimous (5-0-0)

B. Petition #16-16 – John & Barbara Kellegrew – 64 West Boulevard

Present before the Board: John Kellegrew

The public hearing notice was read into the record.

Mr. Kellegrew stated he is requesting a Variance to construct an addition at 64 West Boulevard. He explained he does not currently have a heated eating space or full washer and dryer. The addition should provide a heated eating area and also allow space to replace the spiral staircase with a non-spiral staircase. The applicant stated it is a legal non-conforming lot and a legal non-conforming structure. The applicant stated he is claiming hardship because he would like to live in the home year round.

Brief discussion ensued re: the project.

MOTION: A motion was made and seconded to close the public hearing for Petition #16-15 – John & Barbara Kellegrew.

VOTE: (5-0-0)

MOTION: A motion was made and seconded to approve a Variance for Petition #16-16 – John & Barbara Kellegrew – 64 West Boulevard to construct an addition with the finding that the project will not be a detriment to the neighborhood and the reduction of impervious area lends to off-set the increase in lot coverage, and further, the Variance is granted with standard conditions.

VOTE: (4-1-0)

Ms. Engerman opposed

III. CONTINUED PUBLIC HEARINGS

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

Present before the Board: Attorney Len Bello

Attorney Bello asked that the meeting be continued.

MOTION: A motion was made and seconded to continue the public hearing for Petition #9-16 – Strategic Holdings – 83 Sandwich Road to May 25, 2016.

VOTE: Unanimous (5-0-0)

IV. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Upcoming Hearings

May 11, 2016	Petition #17-16	Canton Masonry c/o Carmine Crugnale	2298 Cranberry Highway
May 11, 2016	Petition #18-16	Admanfred, LLC	165 Swifts Beach Road
May 11, 2016	Petition #6-15 – Modification of an Existing Special Permit	Clean Energy Collective, LLC/Wareham Shared Solar, LLC	127R Marion Road
May 11, 2016	Petition #19-16	J. Donegan Company	2419 & 2427 Cranberry Highway & 4 Seth F. Tobey Road
May 25, 2016	Petition #11-16 (Cont'd.)	Anibal Barroso	3251 Cranberry Highway

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

VI. CORRESPONDENCE

Present before the Board: Pat Moncey, Abutter to 41 Oak Street

Ms. Moncey explained that a Special Permit/Variance was granted in August 2013 by the ZBA for 41 Oak Street to build a single family home with a garage. She claims the home is 47 feet

high and 55 feet high and the applicant built a “guest house” in lieu of the garage. She stated the Building Inspector came out and required the owners of 41 Oak Street to remove the water, electric, and glass slider to the “guest house”.

Ms. Moncey believes the house is too tall, is too close to the property line, and still has accessibilities for an apartment in the house.

Mr. Elkallassi explained that Ms. Moncey could go before the ZBA to appeal the building permit that the Building Inspector issued in 2013. He stated he will talk to the Building Inspector to obtain information about this matter and he will also find out if the building is measured from the walk-out basement or from the first floor.

VII. ADJOURNMENT

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

VOTE: Unanimous (5-0-0)

Date signed: _____

Attest: _____

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: _____