

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: May 25, 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
Jan Kendrick
Tim Lydon, Associate member
Ernie Alden, Associate member
Jacob Morrison, Associate member

Also Present: Ken Buckland, Town Planner

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: August 12, 2015.

**MOTION: Ms. Engerman moved to approve the meeting minutes of August 12, 2015.
Mr. Eacobacci.**

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. Petition #20-16 – Chris Timson – 4 Cameron Street

Present before the Board: Chris Timson
Shannon _____, Abutter

The public hearing notice was read into the record.

Ms. Shannon _____ stated she did not receive the public hearing notice until the day before the hearing. She stated other people may not have been aware of the hearing.

Discussion ensued. The public hearing notice did not advertise as a Special Permit/Variance, it was only advertised as a Special Permit. The applicant will have to have the hearing re-advertised so the application can be advertised correctly.

MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #20-16 – Chris Timson – 4 Cameron Street to June 8, 2016. Ms. Engerman seconded.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

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

Present before the Board: Jeff Deppe, Strategic Holdings
Attorney Len Bello

It was stated that the applicant is requesting a Variance to operate a commercial business for the retail sale of snow plows, landscape materials, and to store trucks and equipment.

Mr. Elkallassi stated he is a neighbor to this property and cannot speak on this matter. He recused himself from this hearing.

It was stated that at this point, the applicant has been directed not to perform any landscaping or any other activity on the property. Attorney Bello explained there has been a Variance on this lot for multiple decades. The Board members stated that a Variance must meet criteria to be approved. The Board members expressed concern with the disorganization of the property.

Ms. Kendrick stated she would like to see landscaping plans to review which would make potentially approving and conditioning the project easier. The Board members concurred that they would like to see a plan portraying the landscaping, where vehicles will be parked, where mulch will be stored, etc.

MOTION: Mr. Eacobacci moved to continue the public hearing for Petition #9-16 – Strategic Holdings – 83 Sandwich Road to June 8, 2016. Ms. Engerman seconded.

VOTE: Unanimous (4-0-0)

B. Petition #11-16 – Anibal Barroso – 3251 Cranberry Highway (*Request to continue to June 22, 2016*)

The applicant has requested a continuance to June 22, 2016.

MOTION: Mr. Eacobacci motioned to continue the public hearing for Petition #11-16 – Anibal Barroso – 3251 Cranberry Highway to June 22, 2016. Ms. Kendrick seconded.

VOTE: Unanimous (5-0-0)

C. Petition #17-16 – Canton Masonry c/o Carmine Crugnale – 2298 Cranberry Highway

Present before the Board: Attorney Mike Medeiros
John Romanele, Land Surveyor
Carmine Crugnale, Canton Masonry

It was stated the applicant is requesting a Variance from the frontage requirement to construct a duplex in the MR-30 zoning district. Currently existing on the lot is a house, a garage, and two sheds. The structures are in a dilapidated state and need to be razed. Attorney Medeiros noted the applicant could easily create multiple duplexes with the size of this lot, but is restricted by the frontage. The current structures are an eyesore to the neighbors

Present before the Board: Ms. Almeida

Ms. Almeida expressed concern with the drainage in front of the existing garage. She stated water doesn't drain into the catch basin because the road isn't pitched properly. Mr. Elkallassi stated that is State property and the Town would be responsible for fixing that.

MOTION: A motion was made & seconded to close the public hearing for Petition #17-16 – Canton Masonry, c/o Carmine Crugnale – 2298 Cranberry Highway.

VOTE: Unanimous (5-0-0)

MOTION: Mr. Eacobacci moved & Ms. Kendrick seconded to grant a Variance to construct a duplex with the following findings:

- **There are circumstances related to soils, shape and topography that especially affect the subject property that do 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 Variance will not nullify or substantially derogate from the intent or purpose of the Bylaw, and further, the Variance is granted with the following conditions:**

Conditions:

- Petitioner to secure all of the necessary permits and approvals from all applicable boards and agencies.**
- The Petitioner to record the Variance at the Plymouth County Registry of Deeds in the appropriate time frame and to provide a copy of the recorded Variance to the office of the Zoning Board of Appeals.**
- There shall be no additional dwelling constructed upon the premises. This condition does not restrict the Petitioner or any successor in interest from obtaining future permits for the construction of a garage or shed.**
- **Grading and driveway shall pitch away from the highway into the Petitioner's property.**

VOTE: Unanimous (5-0-0)

D. Petition #18 -16 – Admanfred, LLC – 165 Swifts Beach Road

Present before the Board: Attorney Robert Perry

Attorney Perry explained the applicant had previously been before the Board with a proposal similar to this one. The applicant has reduced the number of proposed units. The applicant is seeking a Variance for the dimensions of the lot, not for the use of the lot. The applicant is requesting to put in a two-family unit in an existing, previously commercial, building. The building has Town sewer and Town water.

Present before the Board: David Ricci

Mr. Ricci stated he is in favor of this project. He stated the applicant has been extremely agreeable to work with. He also stated the level of vandalism is extreme and he has been hoping to see something good come out of the building. He asked that there be no roof decks. He feels that he and the applicant have come to a good agreement over this proposed project.

Present before the Board: Marietta Maraccini

Ms. Maraccini stated her property faces the back of the proposed property. She did speak with the gentleman who owns the property and he will put in a fence between his property and hers. She expressed concern that no one knows where the property lines are since the property was bought in pieces at one time. It has been agreed that the proposed fence will not be more than six feet in height.

Ms. Maraccini stated she owns a ten foot right of way adjacent to the property. The side of the building facing her right of way has windows and a door on that side. Her only concern is that the road is tight and the turn is incredibly tight getting into the garage.

Mr. Eacobacci read proposed conditions into the record; the two windows on the west side of the parking garage will be eliminated. There will be no roof decks permitted. Gutters shall be installed on the west side of the building. Any fence no greater than six feet high shall be created between Trinity Land and Swifts Beach Road to run the entire length behind the building.

Mr. Ricci stated if there will be no windows or doors facing his property, he would not like a fence.

MOTION: A motion was made & seconded to close the public hearing for Petition #18 - 16 – Admanfred, LLC – 165 Swifts Beach Road

VOTE: Unanimous (5-0-0)

MOTION: Mr. Eacobacci moved & Ms. Kendrick seconded to approve a Variance to convert a building previously used for commercial purposes into two residential units for Petition #18-16 – Admanfred, ILC – 165 Swifts Beach Road with the following finding:

- The requirements for a Variance have been met in that the lot is unique in shape.
- Although the lot is zoned residential, it has been used commercially for 90 years plus or minus.
- The property has been abandoned for four years, hence the only permissible use for the property is residential.
- Section 321 of the Bylaws permit two-family dwellings in this zoning district (R30).
- A hardship exists in that a denial may well render the lot useless, leaving it detrimental to the neighborhood. Further, the Variance is granted with the following conditions:

Conditions:

- The two windows on the west side of the proposed parking garage will be eliminated.
- No roof decks shall be permitted.
- Gutters shall be installed on the west side of the building.
- A fence, no greater than six (6) ft. high shall be erected on the westerly side of the existing building.
- Standard conditions apply.

VOTE: Unanimous (5-0-0)

E. Petition #19-16 – J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth F. Tobey Rd.

Present before the Board:

No-one was present to represent the applicant.

It was stated the applicant has requested an continuance to June 8, 2016.

MOTION: A motion was made & seconded to continue the public hearing for Petition #19-16 – J. Donegan Company – 2419 & 2427 Cranberry Highway & 4 Seth F. Tobey Road to June 8, 2016.

VOTE: Unanimous (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

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

B. Upcoming Hearings

June 8, 2016	Petition #21-16	Sampson	4 Beaver Creek Lane
June 8, 2016	Petition #22-16	Peter Calitri	23 Fishermans Cove Road

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

VIII. 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: _____