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

**Date of Meeting: September 13, 2017**

1. **CALL MEETING TO ORDER**

The meeting was called to order at 6:35 P.M.

1. **ROLL CALL**

Members Present: Jim Eacobacci, Clerk

Karl Baptiste

Jan Kendrick

Wilma Engerman

Jacob Morrison, Associate

Also present: Ken Buckland, Town Planner

**III. PRELIMINARY BUSINESS**

1. **Approve meeting minutes: August 23, 2017**

**MOTION: Motion made and seconded to approve the minute.**

**VOTE: (3-0-1)**

1. **Extension of Time – Canton Masonry – 2298 Cranberry Highway**

Present before the Board: Carmine Crugnale

Mr. Crugnale stated that he had previously been granted a Variance to construct a two-family dwelling. When demolishing the house they found the house had asbestos and needed to be abated, which took longer than anticipated. The site has also had fill brought to the site. Mr. Crugnale is requesting an extension on the Variance.

**MOTION: Motion made and seconded to close the public hearing.**

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

**MOTION: Ms. Kendrick moves to grant the extension requested for six months from this date. Mr. Baptiste seconds.**

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

1. **Modification – John Spinale – 9 Oak Hill Road**

Present before the Board: John Spinale

Mr. Spinale submits a modified plan showing the slope of the roof line changing. The footprint and height remains the same. The Board finds this change to not be a detriment to the neighborhood.

**MOTION: Mr. Baptiste moves to close the public hearing. Ms. Engerman seconds.**

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

**MOTION: Ms. Kendrick moves to approve the minor modification. Mr. Eacobacci seconds.**

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

**IV. PUBLIC HEARINGS**

1. **Petition #31-17 – J. Donegan – 2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road**

The applicant has requested a continuance.

**MOTION: Motion made and seconded to continue the hearing until September 27, 2017.**

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

**V. CONTINUED PUBLIC HEARINGS**

**A. Petition #26-17 – Ossama Mohamed – 307 Main Street**

Present before the Board: Leonard Bello, Attorney

Mr. Bello states the property is coded at the Assessor’s Office as a commercial gas station. Ossama Mohammed purchased the gas station when it was auctioned off by the previous owner. The property has been a gas station for 30 years. The underground gas tanks and above ground gas dispensers remain in working order. Mr. Mohammed has not opened the station since he has owned it. Mr. Mohammed was approached by the previous CEDA Director from the Town in 2013 and was asked to not open the gas station due to the proposed plans for Main Street. After a few years the plans for Main Street had not commenced. Mr. Mohammed began resurfacing the area above the underground tanks with intent to re-open. Mr. Mohammed was approached by the Building Commissioner and directed to obtain a Variance as the gas station had been closed for 2+ years and it lost its protection as a pre-existing, non-conforming use.

Mr. Buckland has entered the meeting.

Mr. Bello continues to give a history of the property and case law regarding the 2-year abandonment.

Ms. Engerman voices concern regarding the state of the gas tanks. Ms. Kendrick states that is out of their purview. Ms. Engerman states she feels this project should go before Planning Board and Conservation Commission. Ms. Kendrick states that is also out of their purview to require other Board approval before making a decision as a Board.

The Fire Department and DEP regulate the storage tanks and has been done each year that Mr. Mohammed has owned the gas station.

Mr. Eacobacci states in his opinion the use has never been abandoned, the site has been kept up-to-date and inspected each year as it should have been.

**MOTION: Ms. Kendrick moves the public hearing. Mr. Baptiste seconds.**

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

**MOTION: Ms. Kendrick moves to find that the non-conforming use has not been abandoned or discontinued for more than 2 years based on the fact that the property has been maintained including all licenses and permits required to store gas tanks for the time Mr. Mohammed has owned the property. Mr. Baptiste seconds.**

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

1. **Petition #29-17 – Dorothy Schnetzer – 31 Priscilla Avenue**

This hearing was advertised for September 27, 2017.

**VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS**

1. **Correspondence**
   1. See correspondence sent via email and/or in packets.
2. **Upcoming Hearings:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **September 27, 2017** | **#32-17** | **Special Permit/Variance** | **Dean Gilhooly** | **18 Pine Lake Drive** |
| **September 27, 2017** | **#33-17** | **Special Permit/Variance** | **Angelo & Melody Salvadore c/o Michael Saraiva** | **15 South Boulevard** |
| **September 27, 2017** | **#34-17** | **Special Permit/Variance** | **Robinson’s Realty Corp. c/o Leonard Bello** | **2680 Cranberry Highway** |

1. **Decision Deadlines**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **September 13, 2017 – Special Permit**  **September 23, 2017 - Variance** | **#26-17** | **Special Permit/Variance** | **Ossama Mohamed** | **307 Main Street** |
| **October 18, 2017 – Special Permit**  **October 28, 2017 - Variance** | **#29-17** | **Special Permit/Variance** | **Dorothy Schnetzer** | **31 Priscilla Avenue** |
| **60 Days from Close of Public Hearing** | **#31-17** | **Site Plan Review** | **J. Donegan Company** | **2419 & 2427 Cranberry Highway and 4 Seth F. Tobey Road** |
| **N/A** | **#17-16** | **Time Extension – Variance** | **Canton Masonry** | **2298 Cranberry Highway** |

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

**VIII. ADJOURNMENT**

**MOTION: Ms. Kendrick moves to adjourn the public hearing. Motion is seconded.**

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

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

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

James Eacobacci, Clerk

WAREHAM ZONING BOARD OF APPEALS

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