

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: January 4, 2012

I. CALL MEETING TO ORDER

The meeting was called to order at 7:03 P.M.

II. ROLL CALL

Members Present: John Connolly, Chairman
Sandy Slavin
Doug Westgate
Mark Carboni
David Pichette, Agent

Members Absent: Donald Rogers
Louis Caron
Ken Baptiste

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: February 16, 2011

MOTION: Mr. Westgate moved to approve the meeting minutes of February 16, 2011. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

IV. PUBLIC HEARINGS

A. James & Sue Kallstrom, c/o G.A.F. Engineering, Inc. – SE76-2213

**NOTE: The public hearings portion of the agenda will be held after item V.
Continued Public Hearings.**

V. CONTINUED PUBLIC HEARINGS

A. RDA – Marion G. Boucher, Life Estate, c/o Outback Engineering, Inc.

Present before the Commission: Jeff Youngwest, Outback Engineering, Inc.

Mr. Pichette described the project. The property is located at 30 Old Woods Rd. The project involves upgrading a septic system in the buffer zone to Spectacle Pond. There is an existing cesspool to be replaced w/ a new Title V system. A new septic tank & some of the piping work would be done in the buffer zone to the wetlands. The new pump

chamber & leach field will be outside the buffer zone to the wetland. The existing cesspool is w/in the buffer zone & will be excavated & removed. Silt fence is proposed between the project & the resource area. There are no grade changes proposed w/in the buffer zone. At the last meeting, abutter notification cards had not been received. They have been submitted this evening. He recommended approval of the project w/ a Negative Determination #3.

No-one in the audience had any questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for Marion G. Boucher, Life Estate. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Westgate moved to grant a Negative Determination #3 for Marion G. Boucher, Life Estate. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

B. NOI – WalMart Stores/Mark Goldsmith, c/o Bohler Engineering – SE76-2172

It was stated that WalMart has asked for a continuance.

MOTION: Mr. Westgate moved to continue the public hearing for WalMart Stores to January 18, 2012. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

C. NOI – Walter & Dolores Shanks, c/o G.A.F. Engineering, Inc. – SE76-2204

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 10 Nimrod Way. The project involves repairs to an existing seawall. Vinyl sheet piles are to be driven out in front of an existing concrete retaining wall & footing. The length of the wall is approx. 105 ft. It is then proposed to backfill between the vinyl sheet pile wall & existing concrete wall. At the last meeting, a revision to the plan was asked for so the new proposed vinyl wall could be built up against the concrete wall vs. out in front of the existing footing. It was asked that the footing be taken out & the new vinyl wall be placed as close to the existing concrete wall as possible. A revised plan has been submitted showing this modification. A DEP file number has been assigned. He recommended the issuance of an OOC w/ the standard conditions.

No-one in the audience had any questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for Walter & Dolores Shanks. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Mr. Westgate moved to grant an Order of Conditions for Walter & Dolores Shanks w/ standard stipulations. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

D. NOI – Valenti Perry, c/o G.A.F. Engineering, Inc. – SE76-2212

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 278 Barker Rd. This is in response to a violation that occurred that involved alteration of bordering vegetated wetland & land in the buffer zone to the wetland. The wetland was cleared & a set of stairs was built into the land sloping down to White Island Pond. Also, a small beach area was created at the site. At the tow of the slope, a low stone retaining wall was installed. In the buffer zone, vegetation was removed & landscaping work was done to install additional lawn area. The NOI proposes to restore the altered vegetative wetland by removing the stone & replacing the stone w/ quarter logs & plant the disturbed area w/ wetland vegetation as shown on the planting scheme submitted. The stairs will be left in place. The disturbed wetland on the site should be shown right up to the wetland line depicted on the plan in the vicinity of the disturbed area & this additional area should also be replanted. Other previously disturbed areas w/in the 30 ft. no activity zone should be restored, in his opinion, to a natural area, w/ the exception of a path leading to get to the stairway. The stone should be removed from the wetland area & the restoration work done in the appropriate planting season. A DEP file number has been assigned.

Mr. Pichette recommends it be more natural area vs. landscaped lawn. Mr. Carboni expressed some reservations w/ the stairs. He asked if there is a safety factor w/ having no railings & whatnot. Mr. Pichette stated the width of the stairway is adequate.

Mr. Pichette recommended upland shrubs for planting in the created lawn area to be restored. This whole area had vegetation prior to the work that was done. Ms. Slavin would prefer to keep the lawn area, but have the shrubbery planted w/in the lawn area.

Mr. Madden discussed the plantings to be done & revisions to be made. Again, discussion ensued re: the 30 ft. no activity zone.

No-one from the audience had questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for Valenti Perry. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions for Valenti Perry w/ standard stipulations & the added stipulation that the fire pit be removed & the lawn area, except for a path to the stairs, be restored to natural with plantings. Mr. Westgate seconded.

VOTE: Unanimous (4-0-0)

NOTE: The meeting went back to item IV. Public Hearings – A. James & Sue Kallstrom, c/o G.A.F. Engineering, Inc. – SE76-2213.

The public hearing notice was read into the record.

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

Mr. Pichette described the project. The property is located at 29 Prospect St. The project involves the construction of an in-ground pool & landscaping activity w/in the buffer zone to a coastal bank. A 9x14 ft. wading pool w/ associated landscaping which includes the expansion of a permeable paver patio is proposed. The patio extension work would be approx. 7 ft. to the top of the coastal bank. The pool structure would be approx. 27 ft. to the top of the bank. A significant portion of the work is proposed w/in the 30 ft. no activity zone to the top of the bank. He recommended the plan be modified to pull the work back outside the 30 ft. no activity zone. A silt fence is proposed between the work & the resource area. A DEP file number has been assigned. He recommended a continuance for a revised plan to be provided.

Mr. Pichette asked re: the pool & what it is meant by a wading pool, how deep it is, & why there are various extensions of the pool. Mr. Madden stated there is a fountain on the easterly end & it can be sectioned for a low end & a deep end. It is a 7x14 pool, which is a smaller pool. It is not a swimming pool, but a wading pool. It cannot be moved any closer to the house due to construction restrictions. One corner of the pool is six ft. from the house. The pavers are meant to keep the pool clean (to keep landscape material out of the pool). This was designed by a landscape architect. He spoke re: the 30 ft. no activity zone, water quality & water pollution control, & the coastal bank on the property. He feels the intention of the Bylaw isn't to prevent people from maintaining what they have on their property. Mr. Pichette stated this project isn't maintaining what is there; something new is being added. He doesn't see anything w/ this project that is maintaining anything. He stated the Bylaw states "a 30 ft. no activity zone shall be required for all new projects including, but not limited to garages, sheds, pools, associated construction, site work, landscaping, etc." If there is a project that already has one of these features, it is not a new project. Mr. Madden feels if this is the case, all the land that is on the property is being preserved/conserved & greatly diminishing normal & customary use of this piece of real estate & the assessment should be shown as such. Mr. Pichette stated the assessment/tax issue of the property isn't a Conservation issue. He also stated he doesn't see the taxes changing. He stated he doesn't see taxes change

because a pool can't go in there. Mr. Westgate stated restrictions are set forth for a reason. Discussion continued.

Mr. Madden discussed section 4, item #3 under the Bylaws. Mr. Pichette again stated he would stick to the recommendation he has. He spoke re: importance of storm damage prevention for this property.

Ms. Slavin discussed the pea stone to be utilized on the property. She asked what will constitute the pool enclosure. Mr. Madden discussed options to be utilized for a pool enclosure & what type of pool this will be. Ms. Slavin expressed concern re: a mulched bed that totally surrounds the wading pool. In the plans, it doesn't show the pavers going all the way up to the pool. Mr. Madden stated what Ms. Slavin is looking at is the coping around the pool. Ms. Slavin discussed the path from the beach to the pool & feels the path could be made smaller & she doesn't understand why there are three different sections of the pool. Mr. Madden explained the three sections of the pool; wading pool, fountain, etc. She feels the impact to the 30 ft. no activity zone could be reduced by reducing the pavers. She would like to see more detail re: the pool & the fountain. Mr. Madden discussed underground work to be done, such as placement of the filter for the pool.

Mr. Carboni would prefer shrinking back any work to be outside the 30 ft. no activity zone, especially any permanent structures.

Audience members had no questions or comments.

Mr. Pichette stated the fountain is an aesthetic item, not a necessity. This is what needs to be looked at & the prospect should meet the standard & modified to meet the standard. Modifications need to be done to meet the standard. Mr. Madden feels the standard is for the protection of the value identified in the Bylaw. Mr. Pichette stated this is true & part of the language says no new activity w/in the 30 ft. no activity zone. Mr. Madden stated provided the Commission makes a finding or a finding is made & the activity doesn't result in a substantial impact to the value protected by the Bylaw.

MOTION: Mr. Westgate moved to continue the public hearing for James & Sue Kallstrom to January 18, 2012. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

E. NOI – Patricia Lapanna, c/o G.A.F. Engineering, Inc. – SE76-2209

The applicant has requested a continuance.

MOTION: Mr. Westgate moved to continue the public hearing for Patricia Lapanna to January 18, 2012. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

F. NOI – John Jay Houser, c/o G.A.F. Engineering, Inc. – SE76-2210

Present before the Commission: Bill Madden, G.A.F. Engineering, Inc.

Mr. Madden submitted a revised plan to the Commission. Mr. Pichette described the project. The property is located at 3 Sias Point Rd. The project involves upgrading a septic system w/in a coastal flood zone & landscaping in the flood zone & in the buffer zone to a coastal bank. An existing septic system is to be replaced w/ a new Title V system w/in a coastal velocity zone elevation 18. At the last meeting, the Commission approved the work to move forward re: construction of the septic system under an emergency certificate because it was deemed by the Board of Health that it is a failed system. The other portion of this application has to do w/ landscaping activities w/in the buffer zone & in the coastal flood zone. It is proposed to take some existing landscape beds & turn them into lawn areas. The original plan showed some area beyond the landscape beds to be removed & the plans have been revised to show that only those areas that are landscape beds will be altered. A DEP file number has been assigned.

Ms. Slavin clarified what work will be done re: landscaping & removal of the brick walkway. Brief discussion ensued re: the existing irrigation system.

Audience members had no questions or comments.

MOTION: Mr. Westgate moved to close the public hearing for John Jay Houser. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

MOTION: Ms. Slavin moved to grant an Order of Conditions w/ standards stipulations & the added stipulation that no nitrogen or fertilizer be utilized on the grass areas. Mr. Carboni seconded.

VOTE: Unanimous (4-0-0)

G. NOI – Scott & Elaine Robertson/Robertson's Auto Salvage – c/o G.A.F. Engineering, Inc. – SE76-2211 – Not Handled.

VI. EXTENSION REQUESTS

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Walter Shanks – 10 Nimrod Way

Mr. Pichette stated this project involved the construction of a garage. At the last meeting, the Commission had asked re: stormwater structures that were included on the plan, but not built. These have now been included in the as-built plan. He recommended the issuance of the COC.

MOTION: Mr. Westgate moved to grant an Certificate of Compliance for Walter Shanks – 10 Nimrod Way. Ms. Slavin seconded.

VOTE: Unanimous (4-0-0)

NOTE: The meeting proceeded w/ item IX. Any other business/discussion –
E. Discussion: Michael Fitzgerald.

Present before the Commission: Michael Fitzgerald

Mr. Fitzgerald is present to ask permission to remove part of a cement wall on his property on Main St.

Mr. Pichette explained that Mr. Fitzgerald approached him a few weeks ago about removing the structure which is adjacent to the new apartments that were built in the Old Majestic Mattress building. There is an old concrete wall & fill area that was used in the past for a loading area. Mr. Fitzgerald would like to remove the concrete & the fill material & re-grade the area. He & Mr. Connolly concurred that an NOI would be needed because of the regarding & moving of material in an area that is w/in a riverfront area, a flood zone, etc. Mr. Fitzgerald wanted to discuss this w/ the Commission because he is of the thought that he can do the work w/out filing.

Mr. Fitzgerald discussed the proximity of the wall & what he wants to do w/ the wall. The wall is approx. 40 ft. long & is a separator between the two properties. This area hasn't been utilized for over 30 years. He would like to clean up this area & there would be no grade changes & whatever fill is there would be spread out. He already has permission from the Commission to spread this grade out.

Mr. Westgate feels Mr. Fitzgerald will have to file an NOI or amend the NOI that is in place currently. Mr. Connolly concurs & stated the reason for the filing is due to how far back the area will be disturbed behind the wall. There needs to be something on the plan & everyone needs to be on the same page. Mr. Pichette explained that the existing NOI can be amended to add this new proposed work & the plan would need to be modified to show this new area of work. Brief discussion ensued. Mr. Fitzgerald will stake out the area for the project & will meet w/ Mr. Pichette onsite.

NOTE: The meeting proceeded w/ item IX. Any Other Business/Discussion – F.
Discussion: Dennis Pittsley/Robert Tourigny.

Present before the Commission: Robert Tourigny
Gary Buckminster, Harbormaster

Mr. Pichette stated Mr. Pittsley & Mr. Tourigny have asked to come to speak to the Commission about their shellfish grant & operation as well as issues at Mr. Tourigny's dock re: features placed on the dock that was not permitted. At the last meeting, they came back w/ a modified boat w/ a shed on it that was licensed. Mr. Buckminster discussed the inspection of the boat w/ a shed on it & that it was licensed.

Mr. Tourigny discussed his operation, how he sought permission from DMF & the then Harbormaster, & money he put into utilizing the features that were installed. Mr. Westgate expressed concern re: sunlight getting through & things being done w/out coming before the Commission. Brief discussion ensued.

Mr. Pichette feels that Mr. Pittsley & Mr. Tourigny were looking at their operations from a shellfish grant point of view vs. a wetlands laws & potentially Chapter 91.

Mr. Tourigny stated the sunlight factor would be the same because he had a boat there previously. He discussed why the features were added & hardships that they have been having w/ the grant.

Mr. Tourigny discussed what the up-weller is & how they are utilized. He stated no-one has electricity on their shellfish grant so every town has these up-wellers. He stated this is one of the better methods to utilize. Mr. Buckminster stated he is in favor of utilizing this method. He stated the docks that are utilizing this method are w/in grants. Mr. Pichette stated the issue in this situation is the dock is not w/in the grant. The issue is there is a residential dock where a commercial shellfish grant is operating which isn't in the grant. This could set a precedent for others. He stated when the Chapter 91 review is done, the State looks at what is being done w/ a dock to make sure it is not adversely affecting the public's rights. If people w/ permitted structures started adding to the structure w/out any further review or consideration, it is impacting the public's rights to utilize the space that is now being occupied that wasn't occupied previously by permit.

Mr. Tourigny discussed how long he would like to utilize the up-wellers for. Discussion ensued re: the gradual adding of up-wellers & timeframes for installing the up-wellers. Mr. Pichette stated he will be looking into information on the up-wellers & the Chapter 91 license & then Mr. Tourigny & Mr. Pittsley can come back before the Commission.

The Commission concurred to continue this discussion to February 1, 2012.

NOTE: Brief discussion ensued re: a project on Murphy Street & a resident notified the Commission that he wasn't notified of the Commission hearing for this. Mr. Pichette stated he will look at the abutters list & this resident's address to see if he should have been notified. He briefly discussed the proposed project.

B. Michael Trojano – 1 Plover Road – (Not handled)

C. Beverly Peduzzi – 44 Circuit Avenue – (Not handled)

IX. ANY OTHER BUSINESS/DISCUSSION

A. Swifts Beach Conservation Property – (Not Handled)

B. Discussion: Violations

Mr. Pichette briefly discussed a violation at 30 Robinwood Rd. dealing w/ a two-story shed that may possibly be in the buffer zone or the flood zone. A building permit was issued for this project, but the Building Dept. or the Board of Health never sent the applicant to the Commission for sign-off. He has put in a call to the Building Inspector to discuss this matter w/ him. Some of the Commission members requested that the Building Inspector come before the Commission to explain.

Mr. Pichette discussed various other violations that will be coming forward.

C. Discussion: McCabe Property (Not Handled)

D. Discussion: Conservation Restrictions (Not Handled)

E. Discussion: Michael Fitzgerald (DONE)

F. Discussion: Dennis Pittsley/Robert Tourigny (DONE)

X. ADJOURNMENT

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

VOTE: Unanimous (4-0-0)

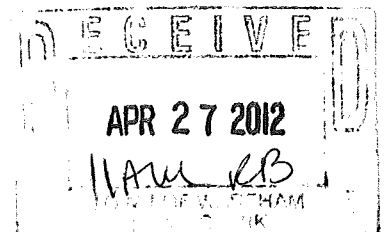
Date signed: 4-18-2012

Attest: [Signature]

John Connolly, Chairman

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 4/27/12



MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: March 14, 2012

I. CALL MEETING TO ORDER

The meeting was called to order at 6:50 P.M.

II. ROLL CALL

Members Present: Ken Ferreira, Chairman (Arrived at 7:00 P.M.)
Mike Martin, Vice Chairman
Mary Scarsciotti, Clerk
Richard Secher
David Sharkey
Wilma Engerman, Associate Member
John Cronan, Associate Member
Michael Johnson, Associate Member

Also Present: Myles Burke, Director of Inspectional Services

III. PRELIMINARY BUSINESS

A. Approval of meeting minutes: January 11, 2012 & February 8, 2012.

MOTION: A motion was made & seconded to approve the meeting minutes of January 11, 2012 & February 8, 2012.

VOTE: Unanimous (4-0-0)

B. Informal Discussion: Drive-thru's & drive-ins – G.A.F. Engineering, Inc.

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

The Board & Mr. Madden informally discussed the issue of drive-thru's & drive-ins.

IV. PUBLIC HEARINGS

A. #02-12 – Harry W. & Susan L. Jahnke – 63 Highland Shores Drive.

The public hearing notice was read into the record.

The Board reviewed & discussed the application. The application seeks to increase the total square footage of an existing dwelling located at 63 Highland Shores Drive by 352 sq. ft. to 1,449 sq. ft. for a total lot coverage of 29.5% for this property.

The Board members reviewed the plans submitted.

MOTION: A motion was made & seconded to approve a Special Permit to increase the total square footage of an existing dwelling for petition #02-12 for Harry W. & Susan L. Jahnke, 63 Highland Shores Drive w/ the following conditions:

1. The easterly sideline offset shall be maintained at 7.1 feet measured to the foundation.
2. Approved per plan dated February 2, 2012.

VOTE: Unanimous (5-0-0)

B. #03-12 – George & Claudette Estes – 12 Swan Lane

The public meeting notice was read into the record.

The Board reviewed & discussed the application. The application seeks to operate a dog kennel on a lot less than five (5) acres for property located at 12 Swan Lane.

The Board reviewed the plans submitted.

MOTION: A motion was made & seconded to approve a Special Permit to operate a dog kennel on a lot of less than five (5) acres for petition #03-12 – George & Claudette Estes – 12 Swan Lane w/ the following conditions.

1. Fence to be maintained in good repair to keep dogs in.
2. No boarding, grooming, daycare, or the like for compensation.
3. Must adhere to all rules & regulations of all other applicable boards & commissions.
4. No more than seven (7) dogs allowed w/ a maximum weight of 10 pounds.
5. Special Permit is subject to a one year review.
6. There is to be no signage to suggest a commercial operation.

VOTE: Unanimous (5-0-0)

C. #04-12 – NSTAR Electric Company, c/o John Cipollone – 10 Carver Road.

The public hearing notice was read into the record.

Lengthy discussion ensued re: issues w/ this application, for example an incorrect address, need for an expanded abutters list, & more information needed on the application.

The Board concurred to continue the public hearing to garner this additional information.

MOTION: A motion was made & seconded to continue the public hearing for petition #04-12 – NSTAR Electric Company, c/o John Cipollone – 10 Carver Road to April 25, 2012.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

There were no continued public hearings.

VI. ANY OTHER BUSINESS

A. Correspondence.

The Board members briefly reviewed the correspondence.

VII. DISCUSSION/UPCOMING HEARINGS

A. Upcoming Hearings.

The Board concurred to place the issue of WalMart on the March 28, 2012 agenda. It was stated the Planning Board should have their recommendations in writing prepared for this date.

- March 28, 2012 - #05-12 – Douglas Hendry – 55 Parkwood Drive.
- March 28, 2012 - #06-12 – American Tower Systems – 32 Old County Road.
- March 28, 2012 - #07-12 – Navionics, LLC – 8 Thatcher Lane.
- March 28, 2012 - #08-12 – Kevin Mihalec – 163 Squirrel Island Road.

VIII. ADJOURNMENT

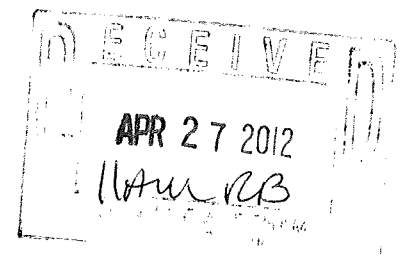
MOTION: A motion was made & seconded to adjourn the meeting at 8:55 P.M.

VOTE: Unanimous (5-0-0)

Date signed: 4-25-2012

Attest: Mary Scarsciatti
Mary Scarsciatti, Clerk
WAREHAM BOARD OF APPEALS

Date filed with Town Clerk: 4/27/12 bls



MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: March 28, 2012

I. CALL MEETING TO ORDER

The meeting was called to order at 6:40 P.M.

II. ROLL CALL

Members Present: Ken Ferreira, Chairman
Mike Martin, Vice Chairman
Mary Scarsciotti, Clerk
Richard Secher
David Sharkey
Wilma Engerman, Associate Member
Mike Johnson, Associate Member

Member Absent: John Cronan, Associate Member

Also Present: John Charbonneau, Town Planner
Mark Bobrowski, Counsel
Alan Slavin, Planning Board
Charles Klueber, Planning Board
Mike Baptiste, Planning Board
George Barrett, Planning Board

III. PRELIMINARY BUSINESS

There was no preliminary business.

IV. CONTINUED PUBLIC HEARINGS

A. #22-11 – WalMart Continued Joint Hearing w/ Planning Board.

Brief discussion ensued.

MOTION: A motion was made & seconded to close the public hearing for petition #22-11 – WalMart & to have Attorney Mark Bobrowski prepare a preliminary decision in the affirmative.

VOTE: Unanimous (5-0-0)

MOTION: The Planning Board moved to close the public hearing for Wal-Mart & to have Attorney Mark Bobrowski prepare a preliminary decision in the affirmative. A Planning Board member seconded.

VOTE: Unanimous (4-0-0)

The Zoning Board of Appeals will meet on April 25, 2012 to discuss conditions.

V. PUBLIC HEARINGS

A. #05-12 – Douglas Hendry – 55 Parkwood Drive

The public hearing notice was read into the record.

The Board reviewed the application to construct/convert an existing two car garage with living space of which is the sole structure on the property, to a single family dwelling.

Brief discussion ensued re: a 20 ft. enforcement, public benefits, & hardships.

MOTION: A motion was made & seconded to grant a Variance for petition #05-12 – Douglas Hendry – 55 Parkwood Drive to construct/convert an existing two car garage with living space of which is the sole structure on the property, to a single family dwelling w/ the findings that strict enforcement of 20 ft. would have no public benefit & cause substantial hardship to the property owner & if left unoccupied, the structure could be a detriment to the neighborhood, and further, the following condition would apply:

- No further expansion without approval of this Board.

VOTE: Unanimous (4-1-0)

D. #08-12 – Kevin Mihalec – 163 Squirrel Island Road.

The public hearing notice was read into the record.

The Board reviewed the application to convert a residence from a single family dwelling w/ a legal accessory in-law into a two-family residence.

Discussion ensued re: petition #37-02 that applies to this property & the conditions stated in this petition.

MOTION: A motion was made & seconded to amend petition #37-02 relative to property located on 163 Squirrel Island Road (petition #08-12) w/ the following conditions:

- Remove requirement limiting occupancy to immediate family members only.
- Remove condition #3 from petition #37-02.
- The Board makes no finding as to the building use classification.

VOTE: Unanimous (5-0-0)

B. #06-12 – American Tower Systems – 32 Old County Road.

The public hearing notice was read into the record.

The Board reviewed the application to replace an existing cell tower & cabinet at 32 Old County Road.

MOTION: A motion was made & seconded to grant a Special Permit for petition #06-12 – American Tower Systems, c/o James George, Agent to replace an existing cell tower & cabinet w/ the following conditions:

- Per application submitted.
- Per plan as detailed & dated 1/20/12.

VOTE: Unanimous (5-0-0)

C. #07-12 – Navionics, LLC – 8 Thatcher Lane

The public hearing notice was read into the record.

It was noted that Navionics, LLC is not the sponsor of this application & is not the applicant. The applicant is American Tower Systems, c/o James George, Agent.

The Board reviewed the application to replace an existing cell tower & cabinet at 8 Thatcher Lane.

MOTION: A motion was made & seconded to grant a Special Permit for petition #07-12 – American Tower Systems, c/o James George, Agent to replace an existing cell tower & cabinet w/ the following conditions:

- Per application submitted.
- Per plan as detailed & dated 1/25/12.

VOTE: Unanimous (5-0-0)

VI. ANY OTHER BUSINESS

- A. Announcement: Town Meeting commences on Monday, April 23, 2012.
- B. Correspondence.

The Board members briefly reviewed their correspondence.

VII. DISCUSSION/UPCOMING HEARINGS

- A. Regular Meeting: April 11, 2012.
- B. Town Meeting: April 23, 2012.
- C. Any other discussion: None.

VIII. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 9:55 P.M.

VOTE: Unanimous (5-0-0)

Date signed: 4-25-2012

Attest: Mary Scarsciotti
Mary Scarsciotti, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: 4/27/12 (RB)

