

## WAREHAM ZONING BOARD OF APPEALS MINUTES

Wednesday, February 9, 2011

I. CALL MEETING TO ORDER - The meeting was called to order at 6:30 p.m.

II. ROLL CALL

Members present:

Ken Ferreira - Chairman

Mary Scarsciotti - Clerk

David Sharkey

Mike Martin – Vice Chairman

Wilma Engerman – Associate Member

Richard Secher

III. PRELIMINARY BUSINESS

A. Discussion: #16-10 – South Coast Hospital Group – Modification – Motion made by Mr. Secher to approve the relocation and reducing the Met tower height from 196' to 166'. The Motion was seconded by Mr. Sharkey.

Vote: Unanimous (4-0-1)

B. Approval of Minutes: The Minutes were discussed and approved for January 4, 2011 (Joint Meeting with Planning Board in attendance) and January 26, 2011. Motion made by Mr. Secher to approve the January 4, 2011 Minutes as written. The Motion was seconded by Mr. Sharkey.

Vote: Unanimous (5-0-0).

Motion made by Mr. Secher to approve the January 26, 2011 Minutes as written. The Motion was seconded by Mr. Sharkey.

Vote: Unanimous (5-0-0).

C. Discussion - 815 Main Street – Site Sign – The Board discussed and voted to approve the proposed sign per plan with the condition that a landscape plan for both driveway entrances be presented within 30 days. Motion made by Mr. Secher. The Motion was seconded by Mr. Sharkey.

Vote: Unanimous (5-0-0).

The Board discussed correspondence received by Town Planner John Charbonneau and voted to revise the performance bond reduction to 20%.

Motion made by Mr. Secher. The Motion was seconded by Mr. Sharkey.

Vote: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. Discussion: Remand Hearing– Bartlett Pond LLC – Off Standish Avenue, c/o Attorney Robert L. Devin – The Board voted 5-0-0 to continue the Remand Hearing to 2/23/2011 per the correspondence received from the applicant dated

January 18, 2011.

Vote: Unanimous (5-0-0)

**B. #20-11 – Michael & Deborah Cook – 28 Sariah Lane, c/o Charles L. Rowley & Associates**

The Board moved to grant a Special Permit (5-0-0) to demolish an existing dwelling & construct a new dwelling based on the plan dated July 29, 2010 by Charles L. Rowley & Associates & further, the use is in conformity in the zone & surrounding structures & use is not detrimental to the character of the neighborhood & granting of the Special Permit is in the spirit of intent of the ordinance. The Motion was made by Mr. Secher. The Motion was seconded by Mr. Sharkey. There was no further discussion. Vote: Unanimous (5-0-0) to grant a Special Permit per plan attached.

**C. #21-11 – Janice Lucchesi – 10 Barnacle Road, c/o Attorney Lawrence J. Winokur**

The Board moved to grant a Special Permit (5-0-0) to demolish an existing dwelling & construct a new dwelling based on Chapter 40A, Section 6 & Section 1335 of the Wareham Zoning Bylaw that the use is not substantially different than the existing use & further, based on the proposed plan dated November 11, 2010 by G.A.F. Engineering, Inc, & the proposed plan is in harmony with surrounding structures, and that the slight increase in non-conformity of the side setbacks is not so substantial to warrant a denial, and that such reconstruction would not be substantially more detrimental to the neighborhood. The Motion was made by Mr. Secher. The Motion was seconded by Mr. Sharkey. There was no further discussion.

Vote: Unanimous (5-0-0) to grant a Special Permit per plan attached.

**D. #23-11 – Thomas & Margaret Doherty – 51 Wareham Lake Shores Drive, c/o Charles L. Rowley & Associates**

The Board moved to grant a Variance (5-0-0) to construct a deck, per plan dated September 25, 2010 by Charles L. Rowley & Associates per Chapter 40A, Section 10 of the Wareham Zoning Bylaw & the Board agrees w/ the findings & conditions that have been provided in the application in support of the four statutory requirements for a Variance, & further the request is granted w/ the following conditions;

- Side setback to be shown on Exhibit D (plan dated September 25, 2010). The motion was made by Mr. Secher. The motion was seconded by Mr. Sharkey. There was no further discussion.

Vote: Unanimous (5-0-0) to grant a Variance per plan attached.

**E. #24-11 – William Cargile – 0 Thatcher Lane – Applicant has requested to withdraw application (see correspondence in packettes). Motion made by Mr. Secher to allow the applicant to withdraw without prejudice. The motion was seconded by Mr. Sharkey.**

Vote: (4-0-1) to allow the applicant to withdraw without prejudice.

**F. #18A-10 – Joseph Chiaraluce, Trustee of Chiaraluce Realty Trust – 16 Wankinquoah Avenue**

Motion made to continue to February 23, 2011. The motion was seconded.  
Vote: Unanimous (5-0-0) to continue the public hearing to 2/23/11.

**G. #25-11 – Blake Paynter/American Tower Corp./LightSquared – 32 Old County Road** – The Applicant has requested to withdraw application (see correspondence in packettes). Motion made and seconded.

Vote: (4-0-1) to allow the applicant to withdraw without prejudice.

**H. #26-11 – Elkallasi Family Trust – 1 Elizabeth Street & 18 Deane Street** – The Board voted unanimously (5-0-0) to continue to 4/13/11.

**V. CONTINUED PUBLIC HEARINGS**

**A. #18-10 – Joseph Chiaraluce, Trustee of Chiaraluce Realty Trust – 16 Wankinquoah Avenue** (See new application for #18A-10 above)

Vote: The Board voted (5-0-0) to continue the public hearing to 2/23/2011.

**B. Discussion: #13-10, #14-10, & #15-10 – Beaufort Windpower, LLC – Bog Wind** – c/o Glen Berkowitz

The Board discussed & voted (5-0-0) to continue to 3/23/2011 & to hold the date of 4/27/2011 for Bog Wind (only) for the next continuation.

Vote: (5-0-0) to accept the Tech Environmental Report into the public record – The Board also requested that the Planning Department Clerk(s) send a copy to Attorney Jon Witten.

Vote: (5-0-0) to approve payment for the Tech Environmental invoice.

**VI. UPCOMING HEARINGS/DISCUSSIONS**

**VII. ADJOURNMENT** - Motion was made by Mr. Secher to adjourn the meeting at 9:45 pm . The Motion was seconded by Mr. Sharkey.

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

*Mary Scarsciotti*  
Mary Scarsciotti, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date signed: 2/23/2011

Date copy sent to Wareham Town Clerk: 2/10/11