

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: May 25, 2011

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Ken Ferreira, Chairman (Arrived at _____)
Mike Martin, Vice Chairman (Arrived at 7:35 P.M.)
Mary Scarsciotti, Clerk
David Sharkey
Richard Secher, Chairman Pro Tem
Wilma Engerman, Associate Member

Also Present: John Charbonneau, Town Planner

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: January 26, 2011, February 15, 2011, & February 23, 2011.

The Board concurred to put the January 26, 2011 & February 15, 2011 meeting minutes on the next agenda & to put the February 23, 2011 meeting minutes on the 6/14/11 agenda relative to Walmart.

IV. PUBLIC HEARINGS

A. #27-11 – Adriana Quattrociocchi, c/o Attorney Leonard Bello – 12 Nimrod Way

The public hearing notice was read into the record.

Present before the Board: Attorney Leonard Bello

Mr. Bello stated this application is for a Special Permit/Variance to allow for the reconstruction of a dwelling located on Lot 147, Assessors Map 46 A-2, which has a street address of 12 Nimrod Way. The property was purchased by the petitioners in July 2009. The dwelling has been on the lot for a number of years. The property is located in an R-30 zoning district & is serviced by Town water & Town sewer. The lot has an area of 5100 sq. ft., frontage of 50 ft., & is considered a pre-existing, non-conforming building lot. The petitioner is to appear before the Board because their plans call for a further sideline encroachment of 1.8' on the side of the dwelling closest to Lot 148 (16 Nimrod Way). This extension was necessary to allow for the creation of an inside access to the

basement. With the interior reconfiguration, the petitioners can accomplish their goals without adding a second floor. While the dwelling's height will increase due to the need to comply w/ FEMA regulations, it will do so far less than if the original footprint were adhered to, & a second floor added. Under the circumstances, the 1.8' encroachment would not be considered a substantial increase in the non-conforming nature of the dwelling nor will it be more detrimental to the neighborhood than what now exists.

Attorney Bello further stated that of special significance is the fact that the petitioners are also the owners of Lot 14 (16 Nimrod Way) which is the dwelling which adjoins 12 Nimrod Way & is most affected by the increase in the non-conformity. The petitioners & before them, various family members have held title to 16 Nimrod Way for the past 25+ years. As the neighbors can attest, the photos that have been submitted illustrate, the petitioners have kept their properties in immaculate condition. In the near future as their children get read to enter college, their intention is to spend more time vacationing & to ultimately reside at 16 Nimrod Way. The property at 12 Nimrod Way is to remain available for family members to use as a vacation home. The petitioners seek to upgrade their property, while conforming to the character of the neighborhood & ask the Board's approval for a Special Permit to reconstruct the dwelling on 12 Nimrod Way (Lot 7) per the submitted plans.

The Board proceeded to review the application & plans to demolish & construct a single family dwelling at 12 Nimrod Way.

MOTION: A motion was made & seconded that having met the standards as prescribed in Wareham Zoning Ordinance section 1335 (i) through (vi) a Special Permit is granted for petition #27-11 – Adriana Quattrociocci – 12 Nimrod Way to demolish & construct a single family dwelling w/ the following conditions:

- Construction is to be per the plan as presented to the Zoning Board of Appeals on May 25, 2011.
- No second story or additional structural changes is permitted without additional relief.
- Removal of the existing front steps.
- Lower level is not to be converted to living space.
- New stairs & landing shall remain uncovered & without walls.
- On-site parking is to be provided.

VOTE: Unanimous (5-0-0)

B. #28-11 –A.D. Makepeace Company – Rosebrook Place – Off of Rosebrook Way (formerly Lou Ave.)

The public hearing notice was read into the record.

Present before the Board: A.D. Makepeace Company Representatives

A.D. Makepeace Company representatives & the Board members proceeded to briefly discussed the application for site plan approval, special permits, & variances to construct a hotel containing up to 100 rooms w/ accompanying conference, banquet, restaurant, & other accessory uses, approx. 32,000 sq. ft. of retail, approx. 10,000 sq. ft. of office uses, approx. 5,000 sq. ft. family restaurant, approx. 4,000 sq. ft. bank w/ a drive-through, approx. 13,000 sq. ft. pharmacy w/ a drive-through, & up to 36 residential apartments w/ conditions per the decision.

MOTION: A motion was made & seconded to continue the public hearing for petition #28-11 – A.D. Makepeace Company – Rosebrook Place – Off of Rosebrook Way to June 8, 2011.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. #47-08 – Bartlett Pond – Remand Hearing

Brief discussion ensued re: how to proceed.

MOTION: A motion was made & seconded to close the public hearing for petition #47-08 – Bartlett Pond.

VOTE: Unanimous (5-0-0)

The Board concurred to place the matter of Bartlett Pond on the 6/8/11 ZBA agenda for voting & drafting the decision. It was stated that Attorney Devin is to supply the extension.

B. #18-10 & #18A-10 – Joseph H. Chiaraluce – 16 Wankinquoah Avenue

Brief discussion ensued re: how to proceed.

MOTION: A motion was made & seconded to continue the public hearing for petition #18-10 & #18A-10 to June 22, 2011.

VOTE: Unanimous (5-0-0)

It was stated that Attorney Serkey will supply the extension.

C. #26-11 – Elkallassi Family Trust – 1 Elizabeth Street & 18 Deane Street

The applicant was informed of application fees/balances due.

Discussion ensued re: the application to request a building permit to construct two single family dwellings at 1 Elizabeth Street & 18 Deane Street.

Discussion ensued re: findings for granting a Variance.

MOTION: A motion was made & seconded to grant a Variance for petition #26-11 – Elkallassi Family Trust – 1 Elizabeth Street & 18 Deane Street based on the finding that the requirements of 40A section 10 have been met as outlined in correspondence from Attorney Perry dated May 23, 2011 included in the record & further, the Board finds that the deviation from the dimensional (lot size) requirements in relation to the existing properties, all of which are non-conforming in lot size, would not be substantial or significant and that failing relief, the applicant would suffer substantial hardship, financial & otherwise, and that granting relief would not be detrimental to the spirit & intent of the Zoning Ordinance.

VOTE: (4-0-1)

VI. ANY OTHER BUSINESS

1. 815 Main Street.

The Board members requested that Mr. Charbonneau, Town Planner follow up w/ the landscaping plan that is due for 815 Main Street.

2. Union Pond.

The Board members requested that Mr. Charbonneau, Town Planner obtain copies of the Union Pond building permits (that were issued in 5/11) for submission to DHCD.

3. Petition #22-11 – WalMart – ZBA only should be scheduled for the Board's meeting on 7/13/11 & should be added to the hearings list.
4. Attorney Jon Witten will be at the ZBA's 6/8/11 hearing re: Bog Wind & to help complete the Bartlett Pond decision.
5. Upcoming hearings:
 - a. 6/8/11 - #15-10 – Beaufort Wind Power – Bog Wind – Off Charge Pond Rd./Rte. 25 – continued hearing.
 - b. 6/14/11 - #22-11 – WalMart – Continued Joint Hearing
 - c. 6/22/11 - #22-11 – WalMart – Continued Hearing – ZBA only
 - d. 6/28/11 - #22-11 – WalMart – Continued Joint Hearing

VII. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 10:50 P.M.

VOTE: Unanimous (5-0-0)

Date signed: 6-13-2012

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

Date copy sent to Town Clerk: 6/14/12

