

## MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: July 24, 2013

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 6:44 P.M.

### **II. ROLL CALL**

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

Members Absent: Michael Martin  
Liz Gerald, Associate Member

### **III. PRELIMINARY BUSINESS**

#### **A. Endorsement of Special Permit approval for petition #03-13 (amended) for Dimitrios & Lefki Aevazelis dated February 13, 2013.**

Brief discussion ensued re: preparing a new decision sheet & amending some language. The Board proceeded to sign an amended decision sheet for petition #03-13.

#### **B. Minutes – June 12, 2013 & July 10, 2013.**

There were no documents to sign at the meeting. The Board concurred to handle these minutes in August.

### **IV. CONSENT AGENDA**

#### **A. Authorization to sign invoices, documents, etc.**

There were no documents to sign.

### **V. PUBLIC HEARINGS**

#### **A. Petition #16-13 – 15 Granston Way – David Stone – Appeal of the Building Inspector's decision re: a Chapter 91 Waterways License application Municipal Zoning Certificate to change the use of an existing pier from residential to commercial for aquaculture purposes.**

The public hearing notice was read into the record.

Present before the Board: David M. Stone, 12 Granston Way

Mr. Ferreira asked for a show of hands re: how many people in the audience were present for this hearing. He advised the Board & the audience that the owner of the property (15 Granston Way) approached him prior to the meeting to inform him that the owner has an attorney to represent him, however, the attorney is on vacation. He noted the owner of the property was given a copy of the appeal.

Brief discussion ensued re: continuing the public hearing & any stipulations.

**MOTION:** Mr. Secher moved to continue the public hearing for petition # 16-13 – 15 Granston Way – David Stone – Appeal of Building Inspector's decision to September 11, 2013 w/ all the stipulations discussed/read into the record. Mr. Sharkey seconded.

**VOTE: Unanimous (5-0-0)**

**NOTE:** A two-minute recess was taken at this time.

**B. Petition #17-13 – 33 Oak Street – Richard & Beverly Vita**

The public hearing notice was read into the record.

Present before the Board: William Lockwood, Lockwood Associates

Mr. Ferreira advised Mr. Lockwood that the Town Planner, Mr. Charbonneau has requested the Chair review the site prior to the public hearing.

Mr. Lockwood explained the garage will not be razed nor reconstructed, the boathouse structure on the lower level is a boathouse, & the upper level is a small apartment w/ one bedroom, bathroom, & a small kitchen. The Board members reviewed the plans.

Mr. Lockwood explained the site plan followed by the floor plans. He explained an addition will be added towards the street on two levels (approx. 12 ft.), & then a stair tower between the two structures & carving a patio in.

Mr. Ferreira asked if there are any height violations w/ the stair tower. Mr. Lockwood stated the height is 34.5 in height. He explained the second floor is existing & it will have its own stair tower & there will be a 12' addition & renovations to the existing structure. The existing structure will be rebuilt, the roof removed, & part of the roof will be made up of roof deck.

Mr. Ferreira asked if the existing foundation & the structure integrity can handle the additional load. He also asked if this property was out of the flood zone.

Mr. Lockwood stated the third floor is a new construction of a master bedroom suite. He added that there is Town sewer for this property. There is parking for three cars plus a garage.

Mr. Ferreira asked re: the plan that shows (c-1) the additional work that brings it right up to the property line, for example the patios. He stated there has to be a retaining wall to hold up the patio according to the plans. Mr. Lockwood stated it will be a short wall. He explained the patio is 14' & the drop off is 6 inches. The patio comes off the basement @ 14.1' & at the other end there are steps. The old patio elevation is 10.

Mr. Ferreira asked if this project went before the Conservation Commission. Mr. Lockwood stated it was discussed w/ Conservation.

Mr. Ferreira explained the velocity, how a storm comes in, & how the energy has to be deflected which could cause damage. He stated that the filling will change the slope. He spoke re: the retaining wall. He stated once the retaining wall is built & it goes down to the frost line, it requires a building permit & the setback must be met. He stated there is a structure & it is w/in the setback which is the existing boathouse. He stated the boathouse is over the property line, but there is in fact an easement for it to stay there.

Discussion ensued re: the retaining wall & how one wall has a significant grade change & the other stays on grade. Mr. Ferreira wants to see all the detail(s) re: the retaining wall(s). He stated there is a stone wall shown as well. He feels the Board is dealing w/ Special Permits, not a Variance.

Mr. Secher asked re: the hearing advertisement & if it is a two-family structure. Ms. Scarsciotti explained there is an apartment & a boathouse & there is also the main house.

The Board members reviewed the Assessors field card. The Assessors field card does not verify the zoning. Mr. Ferreira noted the boathouse has two rooms plus a bathroom. The Assessor's records indicate there are five rooms. He stated the pictures & the detail do not match the Assessor's records.

Mr. Ferreira asked if anyone in the audience is in favor of the project.

Present before the Board: A neighbor #1

The neighbor is in favor.

Present before the Board: A neighbor #2

The neighbor is in favor, but she would like clarification re: the retaining wall & if it will affect her property. Mr. Ferreira stated it will not affect her property. He stated when he looks at the grades on the model & the numbers, there doesn't seem to be much of a deflection problem. The drop off is not that much. He expressed concern re: the plot plan, but he is not concerned when he looks at the model plan.

Discussion ensued re: the sea walls on the abutter's properties.

Mr. Ferreira asked if anyone in the audience is in opposition to the project. No-one came forward to object. Mr. Ferreira stated there are no letters in the file reporting opposition.

Mr. Secher, Ms. Scarsciotti, Mr. Ferreira, & Mr. Sharkey like the plans. Ms. Engerman stated she likes the plans, but she has questions about the foundation & if it will hold. Mr. Ferreira agreed in that most of the foundations built in the 1950's, they would not withstand being able to hold up per the building code & then the foundation would have to be rebuilt. He stated this is a zoning issue. Most of the foundations were thinner then & would not hold up a second floor.

**MOTION:** Mr. Secher moved to close the public hearing for petition #17-13 – 33 Oak Street – Richard & Beverly Vita. Mr. Sharkey seconded.

Mr. Ferriera noted that after his discussion w/ Mr. Charbonneau, he asked for more information which was provided.

**VOTE: Unanimous (5-0-0)**

**MOTION:** Mr. Secher moved & Mr. Sharkey seconded to grant a Special Permit for petition #17-13 – 33 Oak Street – Richard & Beverly Vita w/ the following conditions:

- Per plan dated 6/20/13.
- Subject to approval from any other pertinent board, committee, commission, etc.

**VOTE: Unanimous (5-0-0)**

**NOTE:** The decision sheets were not available at the meeting. The Board members will need to go to the Planning/Zoning Office to sign the documents.

## **VI. CONTINUED PUBLI HEARINGS**

There were no continued public hearings.

## **VII. ANY OTHER BUSINESS**

### **A. Review correspondence.**

The Board reviewed their correspondence.

### **B. Zoning Bylaws (Amended)**

## **VIII. NEW BUSINESS**

The Board also requested that the new Building Inspector attend the Board's next meeting (either August 14<sup>th</sup> or August 28<sup>th</sup>) so the Board can meet him & learn his opinion on petition #17-13 as well as garner an update on the outstanding issues from Mr. Moore.

**IX. ADJOURNMENT**

**MOTION:** A motion was made & seconded to adjourn the meeting at 8:00 P.M.

**VOTE:** Unanimous (5-0-0)

Date signed: 8-14-13

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

Date copy sent to Town Clerk: 8/15/13

A TRUE COPY  
ATTEST

Mary Ann Sehn  
TOWN CLERK