

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: April 9, 2014

I. CALL MEETING TO ORDER

The meeting was called to order at 6:36 P.M.

II. ROLL CALL

Members Present: Ken Ferreira, Chairman (Arrived at 6:50 P.M.)
Mike Martin, Vice Chairman
Mary Scarsciotti, Clerk
Richard Secher
David Sharkey
Wilma Engerman, Associate Member

III. PRELIMINARY BUSINESS

A. Minutes to be approved: March 12, 2014 & March 26, 2014

MOTION: A motion was made & seconded to approve the meeting minutes of March 12, 2014.

VOTE: Unanimous (5-0-0)

NOTE: The Board stated there were no minutes available to sign for the March 26, 2014 meeting.

B. Wal-Mart Modification, c/o Bohler Engineering – Signature needed on approval of Minor Site Plan Modifications.

The Board stated there were no documents to sign.

C. DHCD – Subsidized Housing Inventory biennial update

The Board acknowledged the receipt of the biennial update.

IV. CONSENT AGENDA

A. Authorization to sign invoices, documents, etc.

- 1. W.B. Mason, invoice #116792561 in the amount of \$25.80.**
- 2. W.B. Mason, invoice #116776097 in the amount of \$18.98.**

MOTION: A motion was made & seconded to approve the payment of Invoice #116792561 in the amount of \$25.80 & Invoice #116776097 in the amount of \$18.98.

VOTE: Unanimous (5-0-0)

V. PUBLIC HEARINGS

A. Petition #12-14 – 210 Blackmore Pond Road – Joaquim & Susan Macedo

The public hearing notice was read into the record.

The application is to construct a 24x26 barn for the keeping of a horse on a residential lot less than five acres. It was explained that the Macedo's recently moved to Wareham & purchased a home on Blackmore Pond Road. They are looking for a Special Permit to build a small barn for one horse, a Haflinger Pony. The purpose is to provide a form of therapy for their son. Their son returned from the military w/ a full disability & needs supervised housing which they chose to have him live with them.

Based on the Building Commissioner's letter dated February 19, 2014, the Town of Wareham's Zoning Bylaw table of uses, section 321 states that "stables for the sheltering of horses on residential lots less than 5 acres requires a Special Permit from the ZBA." The applicant's lot contains 4.9 acres & although it is very close to the acreage requirement, it does not at this time meet the intent of the Bylaw. Thus, a Special Permit is needed.

Discussion ensued re: the application, plans for the barn, & the need for more detailed plans.

MOTION: A motion was made & seconded to continue the public hearing for Petition #12-14 – 210 Blackmore Pond Road – Joaquim & Susan Macedo to May 28, 2014.

VOTE: Unanimous (5-0-0)

B. Petition #14-14 – 790 Main Street aka Station Street – Smithers Viscient, LLC.

The public hearing notice was read into the record.

The application is to extend & alter a non-conforming use & structure & laboratory facility & for relief from parking space requirements & Site Plan Review.

Based on the applicant's attorney's letter dated March 7, 2014, the applicant is seeking Special Permits per Article 13, Sections 1332 & 1451 of the Wareham Zoning Bylaws & MGL c.40A, Section 6 to extend & alter a non-conforming use & structure & laboratory

facility, & per Section 913 for relief from parking space requirements, & an application for Site Plan Review under Article 15 Site Plan Review, including w/out limitation, Section 563.

The property consists of approx. nine acres w/ approx. 47,600 sq. ft. of research & development space in 2.5 stories in the buildings which were initially constructed 65 years ago.

Smithers has operated its laboratory facility for many decades at the site & has always been a good corporate citizen in the Town. It has also been sensitive to the neighborhood in its performance, pharmaceutical, industrial, chemical, & consumer product industries.

Smithers has performed regulatory testing services for over 40 years, has an excellent reputation in the scientific field, & is considered a leader in delivering trusted testing services.

The plans have been compiled in conformity w/ the Special Permit & Site Plan Review requirements of the Zoning Bylaw. Since the facility is in a residential zone, a Special Permit is required for expansion, relief from parking requirements, as well as Site Plan Review approval.

Discussion ensued re: the proposal. The Board reviewed the plans submitted.

MOTION: A motion was made & seconded to continue the public hearing for Petition #14-14 – 790 Main Street – aka 13 Station Street – Smithers Viscient, LLC to May 14, 2014.

VOTE: Unanimous (5-0-0)

VI. CONTINUED PUBLIC HEARINGS

A. Petition #09-14 – 2 Datewood Street – Rembisz

The application is to construct a 12x26 addition to the rear of a pre-existing residential dwelling. Based on the Building Commissioner's letter, the property is located in an R-30 residential zone & is considered & existing non-conforming structure due to lot size ^ setback. The Wareham Zoning Bylaw, Section 1335 requires that a Variance be granted by the ZBA before a building permit is issued when the density is increased on a non-conforming lot.

Discussion ensued re: the plot plan & the fact that there are no setback dimensions.
Discussion ensued re: the need for the applicant to satisfy the four statutory requirements for a Variance.

The Board recommended continuing the hearing due to the fact that the plot plan submitted is unacceptable due to the fact that it shows no setback dimensions. They

suggested the applicant go back to the engineer who originally drew up the plan & have the addition w/ dimensions added onto the plan. The Board members also stated that since this is an application for a Variance, the applicant needs to show an argument to satisfy the four statutory requirements for a Variance. The Board suggested the applicant contact an attorney to write a letter to that effect (re: Variance requirements).

MOTION: A motion was made & seconded to continue the public hearing for Petition #14-14 – 2 Datewood Street – Ronald Rembisz to May 14, 2014.

VOTE: Unanimous (5-0-0)

B. Petition #11-14 – 7A Weaver Street – Potential Properties

The application is to convert a multi-family dwelling into a legal three-family dwelling. The applicant is requesting a change of use for the subject property. The current use is a two-family w/ three baths & five bedrooms. The request is to transfer the property from a two-family to a three-family. There will be no change to the outside footprint or structure of the property. The property will remain w/ three baths & five bedrooms. A divider wall will change the first floor layout & reconfigure the space allowing for the units to be divided. Based on the Building Commissioner's letter dated February 4, 2014, the Wareham Zoning Bylaw allows for a three-family dwelling to be created in an existing building in an MR30 residential zone only by Special Permit. A full set of plans along w/ an engineered site plan will be necessary.

Discussion ensued re: the application & plans.

MOTION: A motion was made & seconded to continue the public hearing for Petition #11-14 – 7A Weaver Street – Potential Properties to April 23, 2014.

VOTE: Unanimous (5-0-0)

VII. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Waterways Permit Application (DEP) – 2 Warr Avenue.

The Board concurred that this application needs to go to the Planning Board & the Zoning Enforcement Officer for signatures, not the ZBA.

B. Bartlett Pond Village, LLC vs. Wareham ZBA – HAC written proceedings from hearing held on Tuesday, February 18, 2013 at Wareham Town Hall.

The Board acknowledged receipt of this information.

C. Beaufort Windpower, LLC – Judgement of dismissal.

The Board acknowledged receipt of this information.

D. Discussion – Postage cost for certified mailings to abutters for public hearings.

The Board acknowledged receipt of this information.

VIII. NEW BUSINESS

There was no new business.

IX. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 9:40 P.M.

VOTE: Unanimous (5-0-0)

Date signed: 9-10-14

Attest: Mary Scarsciotti
Mary Scarsciotti, Clerk

WAREHAM ZONING BOARD OF APPEALS

Date copy sent to Town Clerk: 9/11/14