

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: June 25, 2014

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

Member Absent: Mike Martin

Also Present: Bob Iafrate, Director of Inspectional Services (Arrived at 7:30 P.M.)

III. PRELIMINARY BUSINESS

- A. Announcement: The crane test for 2 Warr Avenue (Zecco Marine) is scheduled for Sunday, July 13, 2014 w/ a time to be announced.

NOTE: The meeting proceeded w/ item VII. New Business.

Present before the Board: George Barrett, Wareham Planning Board

Mr. Barrett asked to speak to the ZBA re: the hearings for the out-parcel development at the WalMart site located at the corner of Cranberry Highway at Tobey Road. He spoke re: changes made to the WalMart plans. He suggested the ZBA have S&H Realty come before them to discuss the major/minor plan modifications. Brief discussion ensued.

The Board concurred to have the developer of the out-parcel be advised to come before the ZBA on July 9, 2014 for a discussion.

IV. PUBLIC HEARINGS

- A. Petition #21-14 – Joseph Chiaraluce – 70 Highland Shores Drive

The public hearing notice was read into the record.

Present before the Board: Joseph Chiaraluce

Discussion ensued re: the application to construct a garage addition. The new structure appears to meet the required setbacks for an R30 residential zone, but the lot is considered existing non-conforming. Under the Wareham Zoning Bylaws, section 1335, a Special Permit is required before any non-conforming structure can be extended.

Mr. Chiaraluce stated after consideration, he doesn't feel that the proposed garage dimensions will be big enough for his car. Mr. Ferreira questioned the driveway.

Audience members were asked for questions or comments.

Present before the Board: A gentleman

The gentleman asked re: the plan for the garage. It was stated it would be a one-story garage. Mr. Chiaraluce stated he will be utilizing the garage as a shed to store yard equipment. He added he is going to build another driveway off Tenth Avenue. Ms. Engerman questioned the turn into a garage or if it will be a shed.

MOTION: A motion was made & seconded to close the public hearing for Petition #21-14 – 70 Highland Shores Drive – Joseph Chiaraluce.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to grant a Special Permit for Petition #21-14 – 70 Highland Shores Drive – Joseph Chiaraluce to construct a garage w/ the following conditions:

- To be built per plan presented; the new garage meets the required setbacks as shown on plan presented.
- Structure shall not be more non-conforming than the existing non-conformity.
- Structure shall not derogate from the intent of the Bylaw.

VOTE: (4-1-0)

Ms. Engerman opposed

B. Petition #22-14 – Antonio Gomes – 13 South Boulevard

Present before the Board: Ryan Correia, Contractor
John Coughlin, III

The public hearing notice was read into the record.

Mr. Correia presented plans to the Board & explained this application is to renovate the building due to fire damage sustained to the structure & convert the building as a rooming house & apartments. He stated there are 11 units, eight bathrooms, one kitchen, & three living rooms. He stated he came on board after the fire. He explained that most of the damage was inside the wall as well as some damage to the roof & a few beams.

Mr. Ferreira asked re: the number of rooms on the first floor. Mr. Correia explained there are five bedrooms, one kitchen, three living rooms, & five bedrooms on the first floor. He stated the second floor has six bedrooms.

Mr. Ferreira asked about lengths of stay at the building. He noted that whatever the applicant states re: lengths of stay will be placed in the conditions, just like any other conditions that are placed on a permit. The applicant's representative stated this building will not be a halfway house or a sober house.

The public in attendance were asked for questions or comments.

Present before the Board: A woman

The woman asked re: parking. The applicant's representative stated there is parking in the area & there is parking for six cars in the yard.

Mr. Ferreira asked re: how many people there will be per unit. It was stated that there will be mostly two people per unit because of double beds.

Mr. Ferreira read a letter into the record from C. Johnson. Mr. Correia spoke re: having no overflowing dumpsters when work commences, having no under-aged workers, & the building will not be left unlocked when workers are not present.

Mr. Ferreira asked Mr. Iafrate, Director of Inspectional Services to comment if the lessee & the contractor are in compliance w/ the Building Dept. at this time. Mr. Iafrate stated they are in compliance w/ everything they have discussed thus far this evening.

Present before the Board: A woman, 15 South Boulevard

The woman stated the owner(s) of 13 South Boulevard have not been good neighbors for the last three years. She stated the yard has not been cleaned up until this past Sunday when two large trucks came to do it.

Mr. Ferreira stated this application will not be voted on this evening & the permit will have many restrictions/conditions, for example, there will be a condition that there will be a one-year review from the date the occupants move in.

Present before the Board: Joe Gomes, Owner's Son

Mr. Gomes spoke re: how the house used to be when he was young. He stated there was parking in the yard & the yard on the next street behind the property.

Present before the Board: A woman

The woman stated she wants 24-hour security at the building.

NOTE: Several other audience members came forward to expressing concern re: the structure not being a half-way house & concerns relative to the condition of the property. Mr. Ferreira reassured the audience members that conditions/restrictions will be placed on the permit.

Brief discussion ensued re: need for a site plan showing the lot, a kitchen, Board of Health yearly inspections, if there is a code that limits the number of people to a specific room size, & a management agreement w/ a contact person that can be reached at any time.

MOTION: A motion was made & seconded to continue the public hearing for Petition #22-14 – 13 South Boulevard – Antonio Gomes to July 9, 2014.

VOTE: Unanimous (5-0-0)

C. Petition #23-14 – Dale & Elizabeth Mitchell – 7 John Street

Present before the Board: Dale Mitchell

The public hearing notice was read into the record.

Mr. Mitchell discussed demolishing the existing structure, re-building a new dwelling on the same footprint w/ a three-ft. overhang. He noted that on Cliff Avenue, there is a 25 ft. setback. It was also noted that the foundation, according to FEMA is a 15 ft. foundation. Discussion ensued.

MOTION: A motion was made & seconded to close the public hearing for Dale & Elizabeth Mitchell – 7 John Street.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to grant a Special Permit to demolish an existing dwelling & re-construct a new dwelling (alteration of a pre-existing non-conforming structure) with the following conditions:

- Maintain all setbacks, with the exception of Cliff Road which is in compliance with zoning.
- Structure shall not be more non-conforming than the existing non-conformity & structure shall not derogate from the intent of the Bylaw.
- Structure to be built per plan of existing conditions from Earth Services Corporation dated May 15, 2014 & ASAP Engineering & Design Co., Inc. dated April 25, 2014 as presented.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

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

Present before the Board: Ryan Correia

Mr. Correia discussed the issue of parking at 7A Weaver St. He explained he has a letter by a former Building Inspector that shows that the three apartments were approved. Brief discussion ensued.

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

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to grant a Special Permit to allow the conversion of a multi-family dwelling into a legal three-family dwelling in an MR30 zone w/ the following conditions that will require:

- No Parking signage.
- No planters in the front to obstruct any street parking.
- Install a split rail fence as shown on plan presented.

VOTE: Unanimous (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Discussion with Bob Iafrate, Director of Inspectional Services

Discussion ensued re: a Certificate of Compliance procedure.

The Board concurred to continue this discussion when a full Board is present on July 9, 2014.

B. Upcoming Hearings

7/9/14	#17-14 (Continued Hearing)	18 Commonwealth Avenue	Scott & Barbara Soby	Variance
7/9/14	#24-14	2512 Cranberry Highway	Colbea Enterprises, LLC	Site Plan Review & Variances
7/23/14	#03-14	2 Warr Avenue	Zecco Marine	Special Permit

VII. NEW BUSINESS

There was no new business.

VIII. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 9:00 P.M.

VOTE: Unanimous (5-0-0)

Date signed: 7-23-2014

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

Date copy sent to Town Clerk: 7/24/14

1105 3 S. BL