

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: September 10, 2014

I. CALL MEETING TO ORDER

The meeting was called to order at 6:45 P.M.

II. ROLL CALL

Members Present: Mike Martin, Vice Chairman
Mary Scarsciotti, Clerk
Richard Secher
David Sharkey
Wilma Engerman, Associate Member

Members Absent: Ken Ferreira

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: April 9, 2014, May 14, 2014, & July 23, 2014.

MOTION: A motion was made & seconded to approve the meeting minutes of April 9, 2014, May 14, 2014, & July 23, 2014.

VOTE: Unanimous (4-0-0)

B. Discussion: Lindsey Leroy – 780 County Road – Horses

Present before the Board: Lindsey Leroy
Suzanne Burke

Ms. Leroy & Ms. Burke discussed the potential purchase by Ms. Leroy of property located on 780 County Road. Ms. Leroy would like to have a horse on the property, but the property does not have five acres as the Bylaw indicates is needed.

The Board explained the appeals process that would have to be followed.

C. Discussion: A.D. Makepeace – Amendment to Master Signage Permit

Present before the Board: Mr. Kane, A.D. Makepeace Co.

Mr. Kane presented an amendment to the Master Signage Permit. Discussion ensued.

D. Discussion: Bohler Engineering – Wal-Mart Special Permit Modifications

Present before the Board: Matt Smith
Bohler Engineering Representative
Susan Kincaide, Wal-Mart Attorney
Scott Robertson
Mr. Robertson
George Barrett, Planning Board Chair

Lengthy discussion ensued re: the proposed Wal-Mart Special Permit modifications.
The Board expressed areas of concern.

At the end of the discussion, no decision was made nor a date set to continue.

E. Discussion: Estimate for Peer Review from Charles L. Rowley – Giancola Properties – 72 Minot Avenue

The Board reviewed the estimate for Giancola Properties – 72 Minot Avenue.

MOTION: A motion was made & seconded to accept the estimate from Charles L. Rowley for peer review services re: Giancola Properties – 72 Minot Avenue & the Board agreed to have a 53G fund set-up in the amount of \$2,450.00.

VOTE: Unanimous (4-0-0)

NOTE: This hearing is continued to 9/24/14.

IV. PUBLIC HEARINGS

A. Petition #29-14 – L. Cubellis – 197 Onset Avenue

The public hearing notice was read into the record.

Present before the Board: Jamie Souza, EMP Corporation

The Board reviewed the application to convert two existing office spaces into two residential studio apartments. Based on the Building Commissioner's letter dated July 30, 2014, the apartments in mixed use buildings located in the OV1 district are not allowed & applicant must go before the ZBA for a change of use. Ms. Souza stated the applicant would like to convert two vacant commercial spaces into year-round studio apartment rentals.

Discussion ensued re: plans submitted.

MOTION: A motion was made & seconded to continue the public hearing for Petition #29-14 to October 8, 2014.

VOTE: Unanimous (4-0-0)

V. CONTINUED PUBLIC HEARINGS

A. Petition #25-14 – James B. Jones – 134 Pinehurst Drive

Present before the Board: James Jones

The Board discussed the application to construct a carport. Based on the letter from the Building Commissioner dated March 17, 2014, the structure lacks proper setback as required by the Wareham Zoning Bylaws, Section 621. A Variance from the setback requirements is needed before any further review is completed. The subject property is located in an R-30 district & there is also an existing non-conforming structure & the increase in its non-conformity will require a Special Permit.

In the application submittal, it was noted that Pinehurst Beach was developed in 1920 as a beachfront community for summer residences & over the years it has become year-round for the most part. Zoning did not come into effect until thirty years after the original Pinehurst community. Presently, the area is zoned as an R-30 district where none of the lots conform to any area frontage or setback requirements. The proposed carport is not on a foundation & basically stands by its own weight. It started as an open carport & the sides were added later. Many other lots in the area have similar garage like structures virtually on the line. A hardship exists because of the size of the lots found in Pinehurst, but not generally in the R-30 zoning district. Allowing a Variance would only benefit the neighborhood in general by providing a safe garage of the vehicle. No complaints (to the applicant's knowledge) have been filed by abutters. The applicant has lived at this property since 1985 & the property is family owned.

Discussion ensued re: a Variance and/or Special Permit.

MOTION: A motion was made & seconded to grant a Variance to construct a carport based on the information presented the four statutory requirements of Chapter 40A, Section 10 & w/ reference to Mr. Jones' medical needs, the Board finds strict enforcement of the zoning ordinance would yield no public benefit, but instead impose on this property a hardship not uniformly imposed on the surrounding properties. The Board also finds that the Variance, having been granted, determines that a Special Permit is not required.

VOTE: Unanimous (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSION/UPCOMING HEARINGS

A. Upcoming Hearings/Discussions

9/24/14	#28-14 (Cont'd.)	72 Minot Avenue	Giancola Properties Minot LLC
9/24/14	Discussion	David Sawyer of Safer Places	Re: Brandy Hill

B. Correspondence

See correspondence sent via email and/or in packets.

VII. NEW BUSINESS

VIII. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting at 8:55 P.M.

VOTE: Unanimous (4-0-0)

Date signed: 10-8-14

Attest: Mary Scarsciotti
Mary Scarsciotti, Clerk
WAREHAM FINANCE COMMITTEE

Date copy sent to Town Clerk: 10/9/14

A TRUE COPY
ATTEST

May Ann Silve
TOWN CLERK