

MINUTES OF MEETING OF WAREHAM ZONING BOARD OF APPEALS

Date of Meeting: June 10, 2015

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Nazih Elkallassi
James Eacobacci
Wilma Engerman
David Sharkey
Karl Baptiste, Jr. (Arrived at 6:45) *gk.*

NOTE: Ms. Engerman explained to all present the 21-day appeal period with the Town Clerk's office relative to when a petition is approved or denied.

MOTION: Mr. Elkallassi moved to reorganize the Board of Appeals.

NOTE: Ms. Engerman explained that the Board of Selectmen & Mr. Pichette, Acting Town Planner feel the Board should wait to reorganize until the next meeting. Mr. Elkallassi stated he wants his motion to stand & requested a second to his motion.

The motion was seconded.

Discussion ensued.

VOTE: (1-3-0)

III. PRELIMINARY BUSINESS

A. Discussion: Assistance from Charles Rowley.

It was explained that the Board has the opportunity to receive help from Mr. Rowley, PE, PLS in any situation they may need his assistance. Discussion ensued.

MOTION: A motion was made & seconded for Mr. Rowley to be an assistant to the Board of Appeals when needed.

VOTE: Unanimous (4-0-0)

B. Discussion: Decisions.

No discussion was held.

C. Approval of meeting minutes: April 22, 2015.

MOTION: A motion was made & seconded to approve the meeting minutes of April 22, 2015.

VOTE: Unanimous (4-0-0)

NOTE: Mr. Baptiste arrived at this time.

IV. PUBLIC HEARINGS

A. Petition #09-15 - Mark & Polly Maiorana -2 Pine Tree Drive

The public hearing notice was read into the record.

Present before the Board: JC Engineering, Inc. representative

The representative explained that the petitioners wish to demolish an existing dwelling & construct a new dwelling. According to the Building Inspector's letter dated March 7, 2015, it states due to the fact that the structure is being demolished on a non-conforming lot, rebuilding, & coming no closer to the existing lot lines requires a Special Permit.

The representative explained the project & noted the set backs are not as high as the original dwelling, but they are still within what is required.

The Board members reviewed & discussed the project plans submitted.

No-one came forward to speak for or against the project.

MOTION: A motion was made & seconded to close the public hearing for Petition #09-15 – Mark & Polly Maiorana – 2 Pine Tree Drive.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to grant a Special Permit for Petition #09-15 – Mark & Polly Maiorana – 2 Pine Tree Drive to demolish an existing dwelling & construct a new dwelling finding that the same footprint will be used, there is no new non-conformity of setbacks proposed, & the new dwelling will not be detrimental to the character of the neighborhood & is in keeping w/ the neighborhood, & further, the Special Permit is granted w/ the basic conditions & the following added condition:

1. To be built according to the plans submitted by G.A.F. Engineering, Inc. dated April 28, 2015.

VOTE: Unanimous (5-0-0)

B. Petition #10-15 – Pine Grove Estates – Skippers Way, Jonathan Lane & Jordan Road

The public hearing notice was read into the record.

Present before the Board: JC Engineering, Inc. representative

The representative explained the project. The intent is to reduce the setback requirements for construction on lots within the Pine Grove Estates subdivision, R-130 Cluster Development, located at Skippers Way, Jonathon Lane, & Jordan Road. According to the Building Inspector's letter dated April 27, 2015, it states to build dwellings on lots that do not meet the required setbacks, a Variance is required by the Board of Appeals.

The Board reviewed & discussed the application & plans submitted.

No-one came forward to speak for or against the project.

MOTION: A motion was made & seconded to close the public hearing for Petition #10-15 – Pine Grove Estates – Skippers Way, Jonathan Lane & Jordan Road.

VOTE: Unanimous (5-0-0)

MOTION: A motion was made & seconded to grant a Variance from the Wareham Zoning Bylaws, Section 816.4 for Petition #10-15 – Pine Grove Estates – Skippers Way, Jonathan Lane & Jordan Road to reduce setback requirements for construction of lots w/in Pine Grove Estates subdivision (Skippers Way, Jonathon Lane & Jordan Road) finding that in accordance w/ the MA General Law, Chapter 40A, Section 10, due to the shape of the ;land & especially affecting such land, but not affecting generally the zoning district in which it is located, a literal enforcement of the Bylaw would involve substantial hardship to the petitioner & that desirable relief may be granted w/out substantial detriment to the public good & w/out nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw, & further, the Variance is granted w/ the basic conditions & the following added conditions:

1. Minimum front setback to be 50 ft.
2. Minimum side setback to be 15 ft.
3. Minimum rear setback to be 15 ft.

VOTE: Unanimous (5-0-0)

V. CONTINUED PUBLIC HEARINGS

A. Petition #04-15 – Wareham Depot Properties – 4 Depot Street

The petitioner submitted a letter dated May 26, 2015 requesting a withdrawal of the application w/out prejudice.

MOTION: A motion was made & seconded to withdraw the application of Petition #04-15 – Wareham Depot Properties – 4 Depot Street without prejudice.

VOTE: Unanimous (5-0-0)

B. Petition #06-15 – Renewable Generation – 127R Marion Road

Present before the Board: Representatives for Renewable Generation (MA) LLC

Discussion ensued re: the proposed project to construct two ground mounted photovoltaic (solar) systems.

Discussion ensued re: plantings. It was stated the plant material needs to survive two seasons & a one year review will be required.

Discussion ensued re: re-paving Beaver Creek Lane (top coat) so it is put back into the minimum existing condition.

Audience members were asked for comments.

Present before the Board: Paul Willard

Mr. Willard he lives on Beaver Creek Lane & he is concerned w/ the road, but it may not be relevant.

Present before the Board: Sheila Rocha

Ms. Rocha is looking to have her drive paved post construction site-walk.

MOTION: A motion was made & seconded to continue the public hearing for Petition #06-15 – Renewable Generation – 127R Marion Road to June 24, 2015.

VOTE: Unanimous (5-0-0)

VI. ANY OTHER BUSINESS/DISCUSSIONS/UPCOMING HEARINGS

A. Correspondence

1. See correspondence sent via email and/or in packets

B. Upcoming hearings/meetings

1. 6-24-15 – Continued hearing #01-15 – 3166 Cranberry Highway – Richard Mann

VII. NEW BUSINESS

There was no new business.

VIII. ADJOURNMENT

MOTION: A motion was made & seconded to adjourn the meeting.

VOTE: Unanimous (5-0-0)

Date Signed: 9/9/15

Attest: James R. Sabhi Clerk. 9-9-2015
Wareham Zoning Board of Appeals

Date copy sent to Town Clerk: 9/14/15