

Request for
VARIANCE OR SPECIAL PERMIT
to the
WAREHAM ZONING BOARD OF APPEALS
for
TINA DEANGELIS
21/23 Bayberry Rd.
Wareham, MA

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JC Engineering 2061C (4.19.23)
- PROPOSED PLAN
Lockwood Architects 1021 A1 (2.2.23)



TOWN OF WAREHAM
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o Submit completed form, packets, and appropriate fees** to the Zoning Board of Appeals secretary.

**Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

**A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$80.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.73 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 21 BAYBERRY RD MAP: 28 LOT: 47/48
ZONING DISTRICT: R60
USE REQUESTED: RESIDENTIAL
OWNER OF LAND & BUILDING: LINA DEANGELIS TEL.# 508.867.2815
ADDRESS OF OWNER: 21 BAYBERRY RD., WAREHAM, MA 02571
PERSON(S) WHO WILL UTILIZE PERMIT: OWNER
ADDRESS: _____
DATE: 5.20.2023 SIGNATURE: [Signature]
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: _____ Date: _____
Planning/Zoning Dept.: _____ Date: _____
Application fee paid: _____ Check #: _____ Receipt: _____
Advertising fee paid: _____ Check # _____ Receipt: _____
Abutters fee paid: _____ Check # _____ Receipt: _____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: **William H. Lockwood R.A., of Lockwood Architects, LLC**

Applicant's Address: **PO Box 95 Onset, MA 02558**

Telephone Number: **508.273.0111**

Cell Phone Number: **508.221.1843**

Email Address: **lockwoodarch@gmail.com**

Address of Property/Project: **21 Bayberry Rd.**

Landowner Name: **Tina DeAngelis**

Owner's Address: **21 Bayberry Rd., Wareham, MA 02571**

Telephone Number: **508.889.2815**

Contact Person: **William H. Lockwood**

Telephone Number: **508.273.0111**

Map **28**

Lot **47/48**

Zone **R60**

Date Approved _____

Date Denied _____

Comments:



TOWN of WAREHAM
Massachusetts
BUILDING DEPARTMENT

Paul E. Turner
Director of Inspectional Service

William Lockwood
P.O. Box 95
Onset Massachusetts, 02558

April 24, 2023

RE: 21 Bayberry Road

Map 28 Lots 47&48

I have reviewed your proposal to construct a 12' x 12' gazebo, attaching it to an existing covered porch along the front of 21 Bayberry Road, Wareham Massachusetts. At this time, I must deny your request.

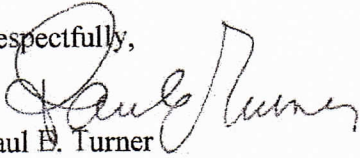
Your proposed front setback for the proposed structure is encroaching the required 60' setback. Therefore, a Special Permit must be secured from the Zoning Board of Appeals in order to proceed with your request. If the Zoning Board finds that the increase will result in a substantial detriment to the neighborhood, a Variance will be required.

Your proposal is being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, 620 Table of Dimensional Regulations, Minimum Front Setback.**
- **Article 13 Section 1352 Non-conforming Structures:** Alteration or expansion of a lawfully pre-existing non-conforming residential structure, requires a Special Permit from the Zoning Board of Appeals.
- **Article 13 Section 1353:** An addition that is found to increase the non-conforming nature of the structure and is found by the Zoning Board of Appeals to be substantially more detrimental to the neighborhood will require a Variance.

The subject dwelling is located in the R-60 zoning district.

Respectfully,


Paul E. Turner
Building Commissioner
Zoning Enforcement Officer

It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. to ensure full compliance.

In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

NARRATIVE REGARDING PROJECT

RE: **TINA DeANGELIS**
21 Bayberry Rd,
Map 28, Lots 47 & 48

SITE DESCRIPTION

The subject property is located in the Little Harbor section of Wareham in an R60 residential zone. The property abuts Buzzard's Bay and is located in an VE24 flood zone. The lot is about 27687 square feet which is about half of the 60,000 sf prescribed by the zone.

At least two on-site parking spaces are currently provided. The property is served by Town water and private on-site septic.

PROJECT DESCRIPTION

A 12'X12' octagonal Gazebo Porch is proposed at the northeast corner of the existing house.

REASONS FOR GRANTING THE VARIANCE/SPECIAL PERMIT

Relief is being sought from the front (east) setback. The (pre)existing non-conforming structure is only 2.8 feet off that property line at its least, and is proposed to be 21.7 feet at the closest point of the gazebo. While construction would occur in the setback, but it would not increase the existing non-conformity.

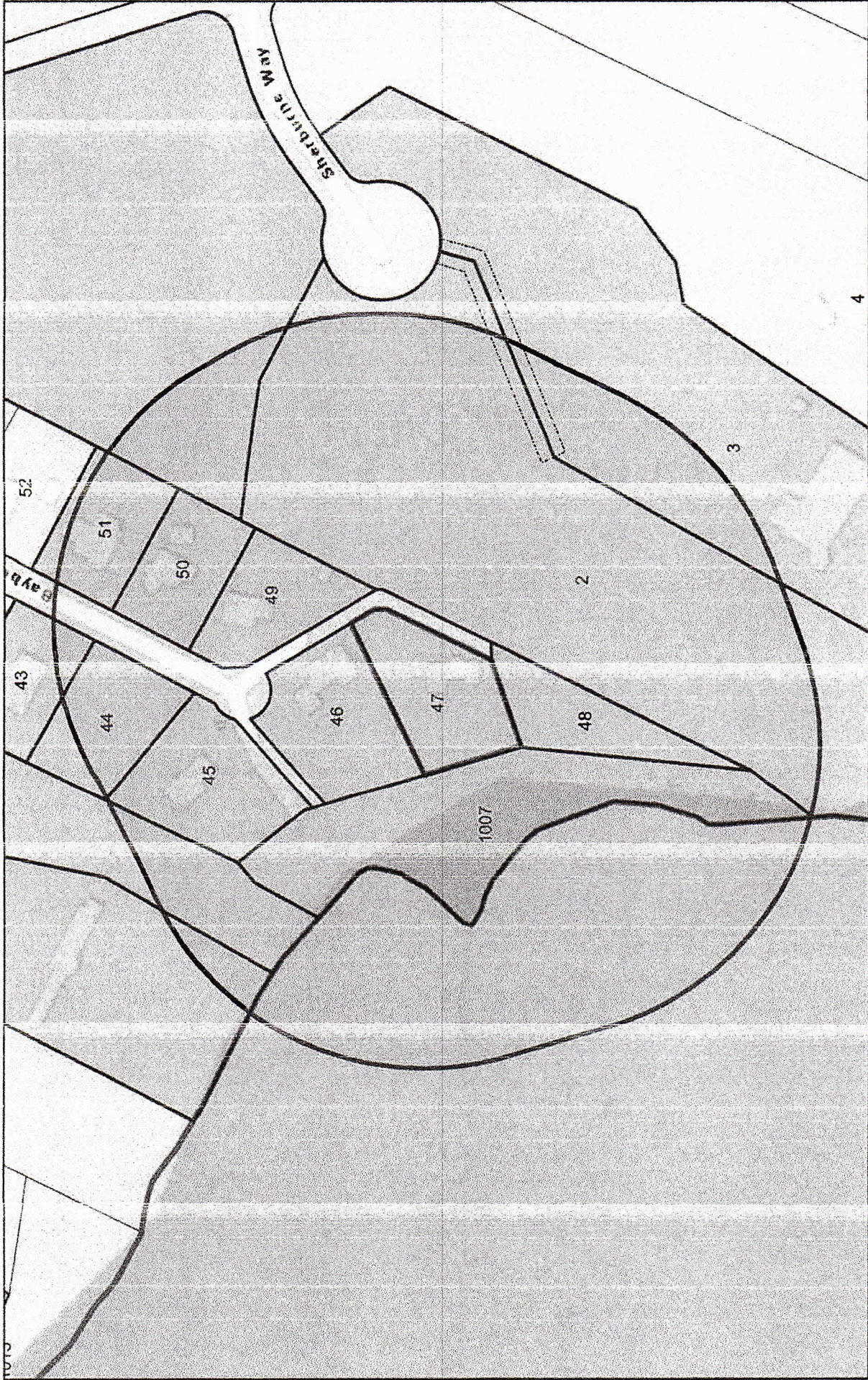
The petitioner believes that this project will allow a more beneficial usage of the property.. It is further felt that these proposed improvements will provide an overall benefit to the petitioner, the property, and to the Town and the neighborhood, and can be accomplished without substantial detriment to the public good during or after construction. It is further felt that this can be accomplished without nullifying or substantially derogating from the intent or purpose of the Wareham Zoning Bylaws.

Relief will allow more beneficial enjoyment of the property by the petitioner. We, therefore believe that this Special Permit/Variance can be reasonably granted, and encourage the Board to favorably review this request.

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & WAREHAM	ZIP CODE
27-0-1	WORTHEN SHERBURNE R,	PO BOX 368, 39 GREENGATE LANE	WAREHAM, MA	02571
27-0-2.A	MINOCHER NADIR	52 WILLISTON RD	AUBURNDALE, MA	02466
27-0-3.A	REIDY JOHN SHERBURNE+MACAULEY LEIHA + DRIVER TIMOTHY NOYSE ET ALS TUSTEES	PO BOX 368,	WAREHAM, MA	02571
28-0-1005.A	ENEIN MOHAMED H, ENEIN ELIZABETH L	32 THATCHER RD	P_YMOUTH, MA	02360
28-0-1005.B	PEARSON RICHARD H TRUSTEE OF, SOUTHWEST TRUST	PO BOX 55,	WAREHAM, MA	02571
28-0-1007	BAYVIEW ASSOC INC, C/O ROBERT E BIBEAU	11 BROOKFIELD RD,	CANTON, MA	02021
28-0-43	SPILLANE FLORENCE M,	PO BOX 393,	FOXBORO, MA	02035
28-0-44	GIBERTI JAMES R & BARBARA ANN, TR OF JAMES R GIBERTI RLTY NOM TR	17 BAYBERRY RD,	WAREHAM, MA	02571
28-0-46	SUGAMELI RONALD A, SUGAMELI ELIZABETH H	55 KINGS RD,	CANTON, MA	02021
28-0-47	YULE TINA, YULE RUSSELL J	21 BAYBERRY RD,	WAREHAM, MA	02571
28-0-49	SPILLANE FRANCES C,	55 GRANITE ST,	FOXBORO, MA	02035
28-0-50	SWANSON JACQUELINE L,	26 BAYBERRY RD,	WAREHAM, MA	02571
28-0-51	MEMOLI JANET E,	24 BAYBERRY RD,	WAREHAM, MA	02571
CERTIFIED ABUTTERS AS THEY APPEAR				
ON OUR TAX ROLLS AS OF 5/4/2023				
<i>W. Renee Atkins</i>				
ASSESSORS OFFICE				
REQUESTED BY				
BILL LOCKWOOD				
508 273-0111				
LOCKWOODARCH@GMAIL.COM				

TOWN OF WAREHAM ABUTTERS
MAP 28 LOT 47
OWNERS TINA & RUSSELL J YULE

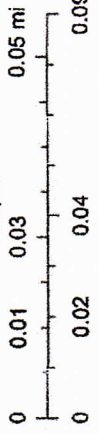
ArcGIS Web Map



5/4/2023, 9:24:05 AM

- Parcels with CAMA Data
- Town Line
- Common Line
- Property Line
- Parcel Lines
- MiscPolys
- Public Road
- Right of Way

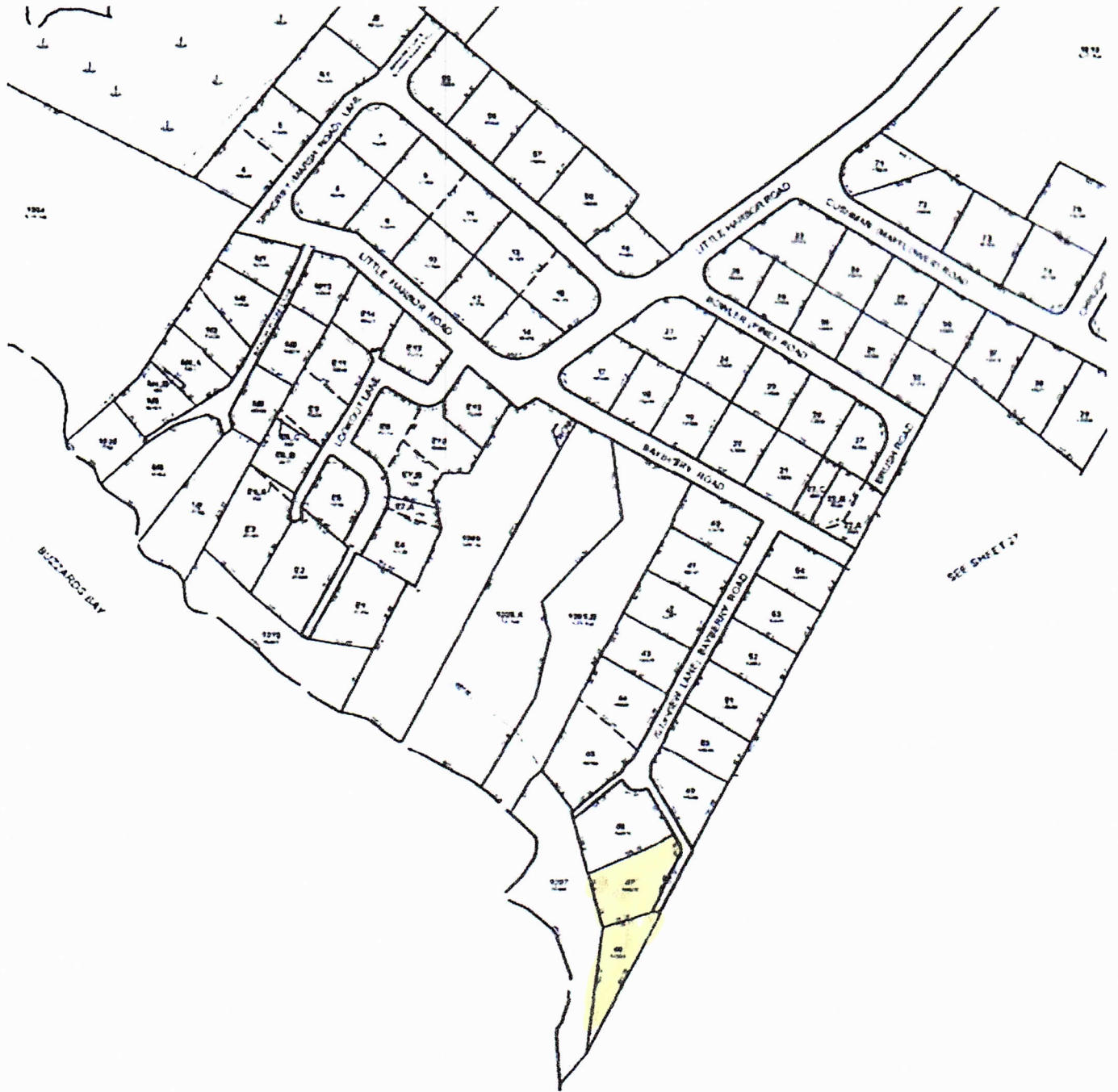
1:2,257



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Web AppBuilder for ArcGIS
Esri, HERE, Garmin, INCREMENT P, NGA, USGS | FEMA, MassGIS | MassDEP |

ASSESSOR'S MAP 28 SEGMENT



WAREHAM ZONING BOARD OF APPEALS
TINA DEANGELIS
21, 23 Bayberry Rd.

21 BAYBERRY RD

Location 21 BAYBERRY RD

Mblu 28 / 47 / 1

Acct#

Owner YULE TINA

Assessment \$733,800

Appraisal \$733,800

PID 4156

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$312,000	\$421,800	\$733,800

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$312,000	\$421,800	\$733,800

Owner of Record

Owner	YULE TINA	Sale Price	\$100
Co-Owner	YULE RUSSELL J	Certificate	
Address	21 BAYBERRY RD WAREHAM, MA 02571	Book & Page	52070/0269
		Sale Date	12/10/2019
		Instrument	1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
YULE TINA	\$100		52070/0269	1A	12/10/2019
DEANGELIS TINA	\$585,000		42426/0048	1V	12/20/2012
WRIGHT IRENE M TRUSTEE	\$0		26339/0212		08/27/2003
WRIGHT ROBERT F	\$1		3036/0231	UNKQ	07/17/1963

Building Information

Building 1 : Section 1

Year Built: 1950
Living Area: 2,036
Replacement Cost: \$403,650

Building Percent Good: 77

Replacement Cost

Less Depreciation: \$310,800

Building Attributes

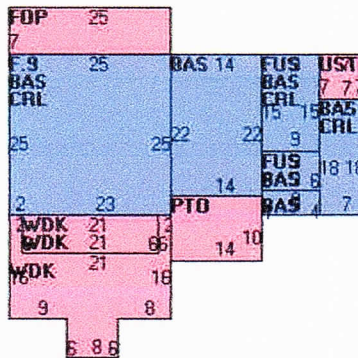
Field	Description
Style:	Cape Cod
Model	Residential
Grade:	Above Ave
Stories:	1.9
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	K Pine/Bead Bd
Interior Wall 2	Drywall
Interior Flr 1	Carpet
Interior Flr 2	Linoleum
Heat Fuel	Electric
Heat Type:	Electric
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Average
Kitchen Style:	Average
# of Fireplaces	1
Fireplace Type	01
Finish Bsmt SF	
Fin Bsmt Qual	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(https://images.vgsi.com/photos2/WarehamMAPhotos/0000515794.jpg)

Building Layout



(https://images.vgsi.com/photos2/WarehamMAPhotos/Sketches/4156_415)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,284	1,284	
F.9	.90 Story Fin	625	563	
FUS	Upper Story	189	189	
CRL	Crawl Space	886	0	
FOP	Open Porch	175	0	
PTO	Patio	140	0	
UST	Utility/Storage	49	0	
WDK	Deck, Wood	574	0	
		3,922	2,036	

Extra Features

Extra Features

Legend

No Data for Extra Features

Land

Land Use

Use Code 1010
Description SINGLE FAMILY
Zone R60
Neighborhood 0081
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.36
Frontage 0
Depth 0
Assessed Value \$421,800
Appraised Value \$421,800

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED/FRAME			96.00 S.F.	\$700	1
SHD1	SHED/FRAME			48.00 S.F.	\$500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$312,000	\$421,800	\$733,800
2022	\$246,400	\$421,800	\$668,200
2021	\$234,800	\$421,800	\$656,600

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$312,000	\$421,800	\$733,800
2022	\$246,400	\$421,800	\$668,200
2021	\$234,800	\$421,800	\$656,600

26/A
146

Doc#: 00107827
Bk: 52070 Pg: 269 Page: 1 of 2
Recorded: 12/10/2019 11:42 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

THIS DOCUMENT PREPARED BY (AND AFTER)
RECORDING RETURN TO:)

Sherman Law)
175 Derby Street)
Unit 42)
Hingham, MA 02043)
File No. 2019-3856)

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 12/10/2019 11:42 AM
Ctri# Doc# Plymouth County Registry of Deeds
Fee: \$0.00 Cons: \$1.00

Property Address: 21-23 Bayberry Road, Wareham,
MA 02571

---Above This Line Reserved For Official Use Only--

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

FOR VALUABLE CONSIDERATION OF LESS THAN ONE HUNDRED DOLLARS (\$100.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, Tina Yule n/k/a Tina DeAngelis, hereinafter referred to as "Grantor", do hereby remise, release and convey with all quitclaim covenants to Tina Yule and Russell J. Yule, husband and wife as tenants by the entirety, both of 21 Bayberry Road, Wareham, MA 02571, hereinafter "Grantees", the following lands and property, together with all improvements located thereon, lying in the County of Plymouth, State of Massachusetts, to-wit:

The land with the buildings thereon in Wareham, Plymouth County, Massachusetts, more particularly described as follows:

LOT 47

The same land, with all improvements, known as Lot 47, Bayview Road, Wareham, County of Plymouth, State of Massachusetts, as described in a deed to Robert F. Wright and Irene M. Wright recorded in Book 3036, Page 231 of the Plymouth Registry of Deeds. Subject to and together with all rights of record.

LOT 48

The same land, with all improvements on Lot 48, Bayview Road, Wareham, County of Plymouth, State of Massachusetts, as described in a deed from Robert P. Wright to Robert F. Wright n/k/a Robert F. Wright, Sr. and Irene M. Wright dated April 21, 1989 in Book 9183, Page 22 of the Plymouth Registry of Deeds. Subject to and together with all rights of record.

For Grantor's title, see deed to Tina DeAngelis, now known as Tina Yule, dated November 20, 2012 recorded with Plymouth County Registry of Deeds in Book 42426, Page 48.

SUBJECT to all easements, rights-of-way, protective covenants and mineral reservations of record, if any.

The property herein conveyed [] is not a part of the homestead of Grantor, or [X] is part of the homestead of Grantor and if Grantor is married, the conveyance is joined by both Husband and Wife.

LOCATION _____

SHEET _____
LOT _____
AREA _____
STAMPS _____
REMARKS _____

WITNESS Grantor's hand this 5th day of December, 2019.

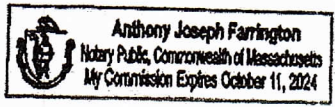
Tina Yule (Seal)
Tina Yule f/k/a Tina DeAngelis

**COMMONWEALTH OF MASSACHUSETTS
COUNTY OF PLYMOUTH**

On this 5th day of December, 2019, before me, the undersigned notary public, personally appeared the above-named Tina Yule f/k/a Tina DeAngelis, proved to me through satisfactory evidence of identification, which was D.L., to be the person who signed the preceding or attached document in my presence, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, by her free act and deed.

Anthony J. Farrington
Notary Public Signature

My Commission Expires:



National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AP
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- Area of Minimal Flood Hazard Zone X
- Effective LOMFRs
- Area of Undetermined Flood Hazard Zone I

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

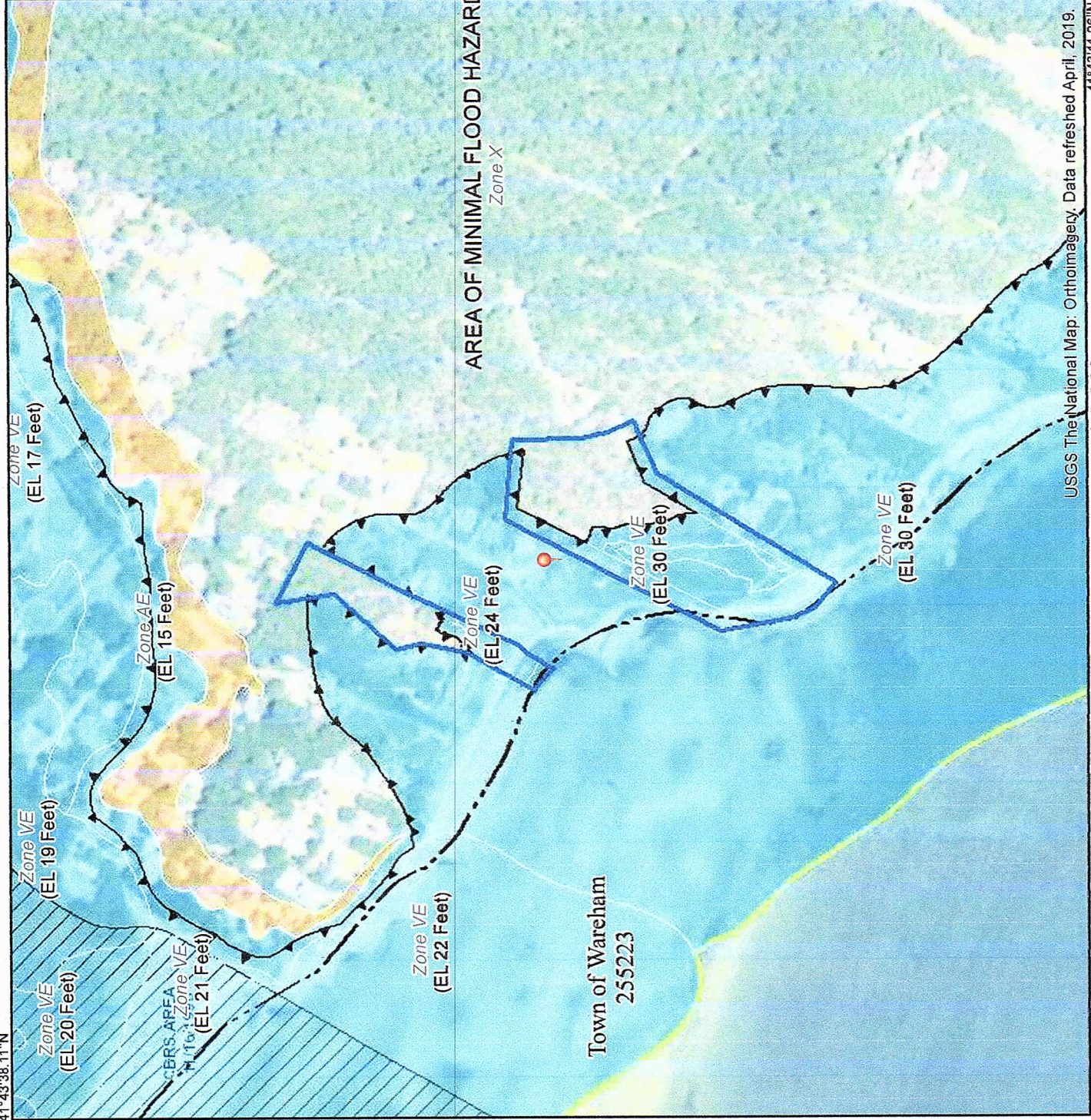
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/4/2019 at 4:46:56 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



70°39'52.77\"/>

USGS The National Map: Orthoimagery, Data refreshed April, 2019.

Scale: 1:6,000