

REQUEST FOR
SPECIAL PERMIT OR VARIANCE

to the

WAREHAM ZONING BOARD OF APPEALS

MICHAEL TROJANO

**15 Granston Way
Onset, MA**

INDEX

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- ARCHITECTURAL PLAN
Lockwood Architects - #1245.2 A1 (11.15.2020)
- SURVEY PLAN
Braman Surveying & Assoc., LLC.
Folio F-1276, Plan E-683-EC (10.25.2020)



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:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- 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: 15 GRANSTON WAY MAP: 5 LOT: 1003C
ZONING DISTRICT: R43
USE REQUESTED: RESIDENTIAL ACCESSORY
OWNER OF LAND & BUILDING: MICHAEL TRAJANO TEL.# 774.259.1973
ADDRESS OF OWNER: 15 GRANSTON WAY, BUZZARD'S BAY MA 02532
PERSON(S) WHO WILL UTILIZE PERMIT: OWNER
ADDRESS: SAME
DATE: 11.23.2020 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, LOCKWOOD ARCHITECTS

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: 15 GRANSTON WAY

Landowner's Name: MICHAEL F. TROJANO, TRUSTEE

Owner's Address: 15 GRANSTON WAY REALTY TRUST
15 GRANSTON WAY, BUZZARDS BAY MA 02532

Telephone Number: 774.259.1973

Contact Person: WILLIAM H LOCKWOOD Telephone Number: 508.273.0111

Map 5 Lot 1003/C Zone R43

Date Approved _____ Date Denied _____

Comments: _____



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

Michael F. Trojano, Trustee
C/o, William Lockwood
P.O. Box 95
Onset, MA 02558

November 19, 2020

RE: 15 Granston Way.

Map # 5, Lot # 1003/C

I have reviewed your application to enlarge your lawfully pre-existing, non-conforming accessory structure in the rear yard of your property. The proposal does not comply with current zoning regulations and must be denied at this time.

You are proposing to expand the existing structure along the same line while reducing the setback from 7.3' to 6.9' where 15' is required. You are intensifying the structure within the non-conforming footprint as well as aggravating an existing non-conformity. You must apply for and secure a Variance from the Zoning Board of Appeals in order to proceed with your proposal.

The submitted permit application, together with a site plan by Braman Surveying & Assoc., LLC labeled "Folio No; F-1276" comprised of one page dated January 31, 2020, and architectural drawings by Lockwood Architects, labeled "Project 1245.2" comprised of one page and dated October 25, 2020, are being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 625, Accessory Buildings;** Accessory buildings in residential districts are required to 10' from side lot lines and 15' from the rear. Your proposal does not comply with the regulation and requires a Variance from the Zoning Board of Appeals.
- **Article 13, Section 1361, Alteration or Extension of Other Structures;** "Any proposed change that adds a new non-conformity or aggravates and/or intensifies an existing nonconformity will require a Variance from the Zoning Board of Appeals."

The subject dwelling is located in the R-43 zoning district.

Respectfully,

David Riquinha
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: **MICHAEL TROJANO**

15 Granston, Way
Map 5, Lot 1003C

SITE DESCRIPTION

The property is located at the end of Granston Way (a right-of way) off Onset Ave. in an R43 residential zone on Buzzard's Bay. The lot is about .84 acres (+/- 36,500 SF), which is less than the 43,000 square feet prescribed for the zone. There are currently a single family home and the "barn" structure located on the property. Flood zones impact the property, but not at the location of the proposed barn project.

Adequate parking spaces are currently provided on the property. The property is served by Town water and private septic.

PROJECT DESCRIPTION

The existing "barn" is a single story structure that is proposed to be enlarged both horizontally and vertically. It is, and will be, used for the storage of tools and equipment.

REASONS FOR GRANTING THE VARIANCE/SPECIAL PERMIT

Relief is being sought from Article 6, Table 625 and Article 13, Section 1361 to allow expansion of the pre-existing non-conforming structure in the side/rear setback.

The proposed expansion is in line with the existing structure which is not quite parallel to the property line. Thus the building gets closer to the property line by about 5". While it might be technically possible to "bend the building, given the unique shape of the existing building, it is not feasible, would be of marginal benefit, and creates a hardship. While the building is proposed to increase in height, it still remains below the maximum height for an accessory structure.

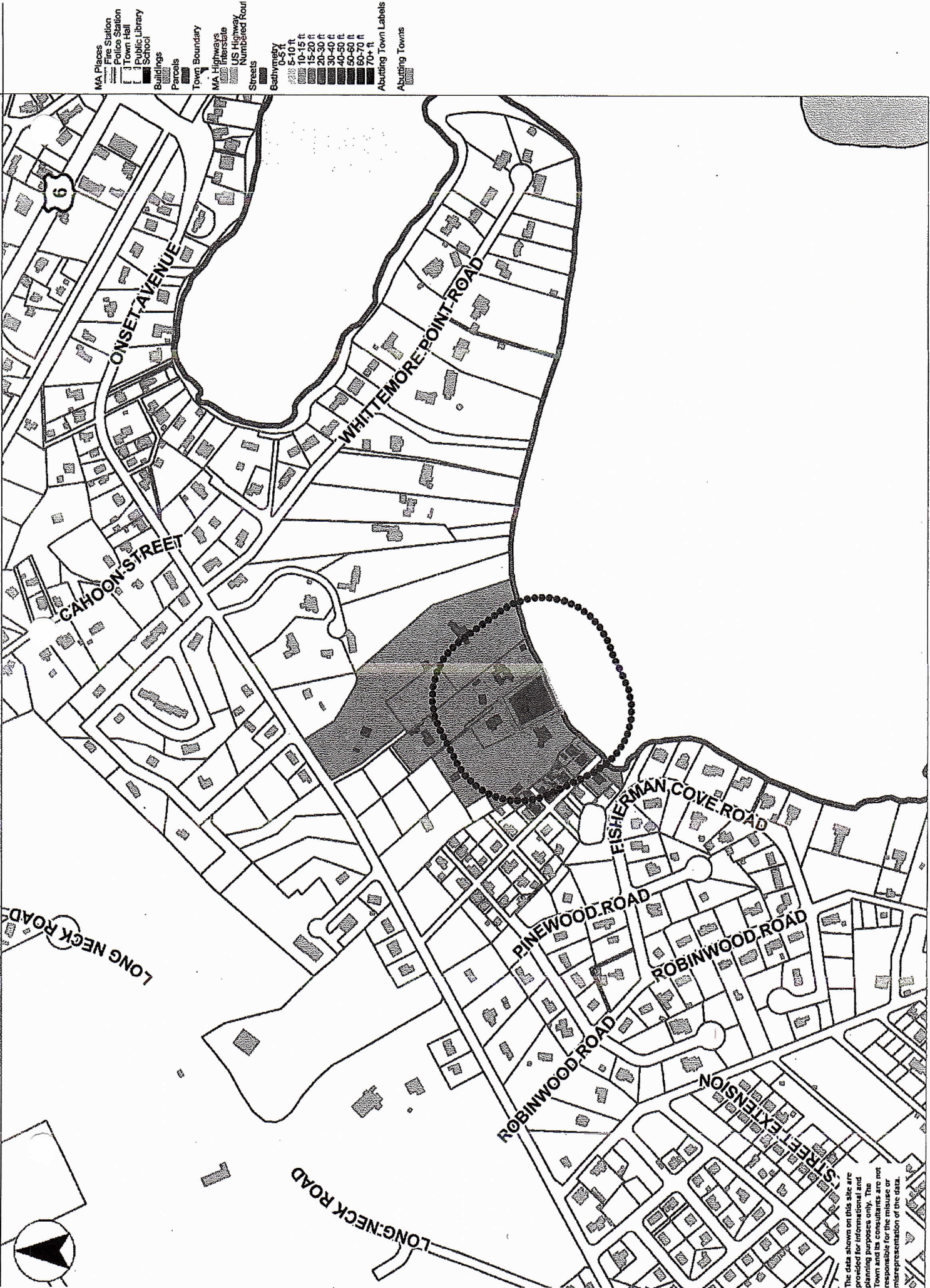
We believe that the project meets the four De Minimus criteria of Section 1391. Specifically:

1. Relief is limited to the non-conforming setback
2. The resulting changes are not closer than five feet to the property line
3. The distance to the nearest residence is greater than the sum of required setbacks.
4. The construction will meet all relevant codes.

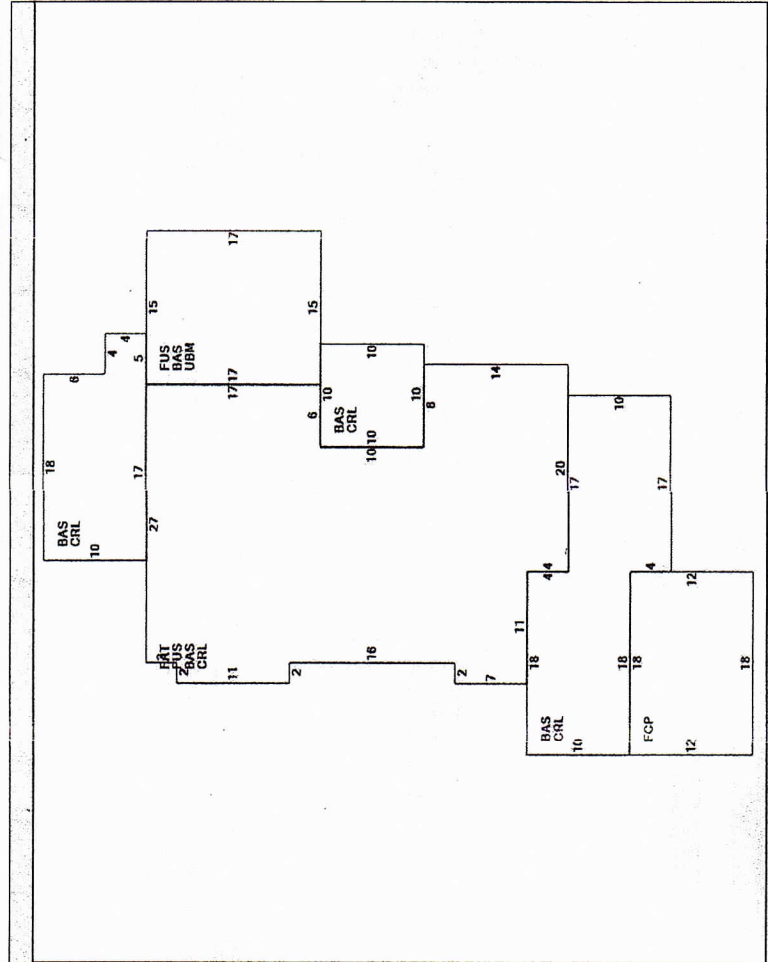
It is felt that these proposed improvements will provide an overall benefit to the petitioner, property, and to the neighborhood, and can be accomplished (b) without substantial detriment to the public good during or after construction. It is further felt that this can be accomplished (c) without nullifying or substantially derogating from the intent or purpose of the Wareham Zoning Bylaws.

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





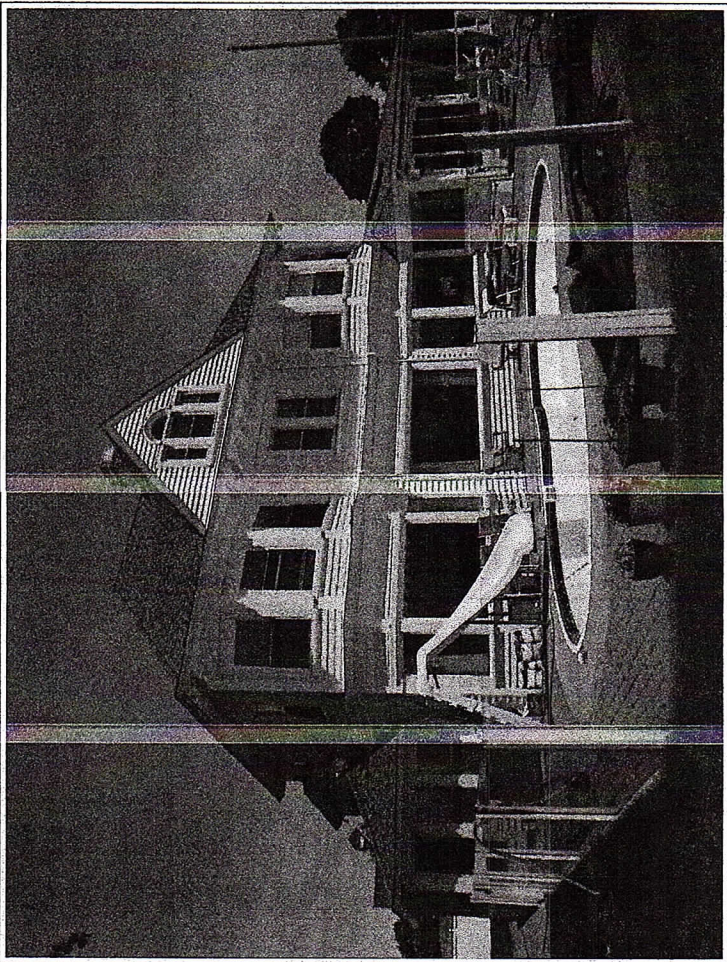
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Description	Element	Description
03	Colonial		
01	Residential		
07	Good		
2.3			
1	Wood Shingle		
14			
03	Gable/Hip		
03	Asphalt Shing		
05	Drywall		
12	Hardwood		
11	Ceramic Tile		
03	Gas		
05	Hot Water		
03	Central		
05	5 Bedrooms		
3			
0			
9			
03	Modern		
03	Modern		
2			
01			

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)		OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)	
Code	Description	Unit Price	Yr Bld
SHD1	SHED/FRAME	14.00	1995
CAB1	CABIN-MINIM	29.00	1995
WDK	WOOD DECK	12.00	1995
SPL1	POOL/CONC	25.00	2003
DCK2	DOCK-RES G	90.00	2004
PAT2	PATIO	9.00	2018

BUILDING SUB-AREA SUMMARY SECTION			
Code	Description	Living Area	Floor Area
BAS	First Floor	1,976	1,976
CRL	Crawl Space	0	1,721
FAT	Attic Finish	323	1,075
FCP	Carport	0	216
FUS	Upper Story	1,330	1,330
UBM	Basement Unfin	0	255
Ttl Gross Liv / Lease Area		3,629	6,573



*** Electronic Recording ***

Doc#: 00113315

Bk: 52139 Pg: 87 Page: 1 of 5

Recorded: 12/23/2019 03:36 PM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX

Plymouth District ROD #11 001

Date: 12/23/2019 03:36 PM

Ctrl# 131418 18538 Doc# Plymouth County Register

Fee: \$5,563.20 Cons: \$1,220,000.00

MASSACHUSETTS FORECLOSURE DEED BY CORPORATION

Sterling National Bank, a corporation duly established under the laws of the United States of America and having its usual place of business at 1 Corporate Drive, Suite 360, Lake Zurich, IL 60047

the current holder by assignment of a mortgage

from Robert J. Tourigny and Rose J. Tourigny

to Astoria Federal Mortgage Corp.

dated March 30, 2007 recorded in the Plymouth County Registry of Deeds in Book 34342, Page 161,

, by the power conferred by said mortgage and every other power for ONE MILLION TWO HUNDRED TWENTY THOUSAND (\$1,220,000.00) DOLLARS

paid, grants to Michael F. Trojano, Trustee of the 15 Granston Way Realty Trust of 55 Crescent Street, Bridgewater, MA 02324, the premises conveyed by said mortgage.

Property Address: 15 Granston Way a/k/a 14 Granston Way, Wareham, MA 02532



WITNESS the execution and corporate seal of said corporation this 30th day of October, 2019.

Sterling National Bank

By *Kevin Mayers*
Kevin Mayers Authorized Signer

The State of IL

LAKE County, ss.

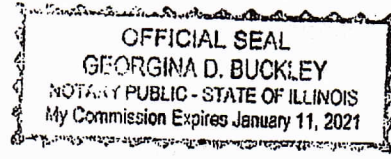
October 30 2019

On this 30 day of October, 2019, before me, the undersigned notary public, personally appeared Kevin Mayers, proved to me through satisfactory evidence of identification, which were personally (form of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose as the free act and deed of Sterling National Bank.

Capacity: (as Authorized Signer
for Sterling National Bank)

Georgina D. Buckley (Affix Seal)
Notary Signature Georgina D. Buckley

My commission expires: 1-11-21



CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.



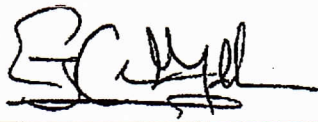
AFFIDAVIT

I, EMERY C MARKLES, of Harmon Law Offices, PC as attorneys for Sterling National Bank, make oath and say that the principal and interest obligation mentioned in the mortgage above referred to were not paid or tendered or performed when due or prior to the sale, and that on behalf of Sterling National Bank this office caused to be published on August 8, 2019, August 15, 2019 and August 22, 2019, in the Courier & Sentinel, a newspaper having a general circulation in Wareham, a notice of which the following is a true copy. (See attached Exhibit A)

This office also complied with Chapter 244, Section 14 of the Massachusetts General Laws, as amended, by mailing the required notices certified mail, return receipt requested.

Pursuant to said notice at the time and place therein appointed the sale was postponed by public proclamation from August 29, 2019 at 1:00PM to October 1, 2019 at 1:00PM at which time and place, upon the mortgaged premises, Sterling National Bank sold the mortgaged premises at public auction by Jeffrey Craig, a duly licensed auctioneer, to Michael F. Trojano for ONE MILLION TWO HUNDRED TWENTY THOUSAND (\$1,220,000.00) DOLLARS bid by Michael F. Trojano being the highest bid made therefore at said auction. Said bid was then assigned by Michael F. Trojano to Michael F. Trojano, Trustee of the 15 Granston Way Realty Trust, 55 Crescent Street, Bridgewater, MA 02324 as evidenced by assignment of bid recorded herewith.



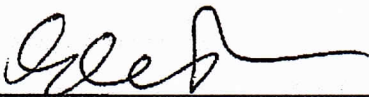
By: 
EMERY C MARKLES, Esq.

Commonwealth of Massachusetts

Middlesex County, ss.

OCT 10, 2019

On this 10th day of OCT, 2019, before me, the undersigned notary public, personally appeared EMERY C MARKLES, proved to me through satisfactory evidence of identification, which were personal knowledge (form of identification), to be the person whose name is signed on the preceding or attached document, who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/~~her~~ knowledge and belief.

 (Affix Seal)
Notary Signature Elena Peterson
My commission expires: April 1, 2022

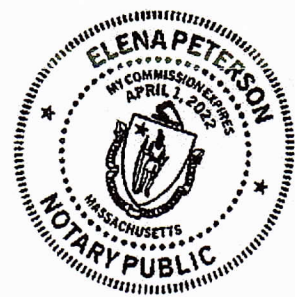


Exhibit A

WAREHAM . 15
GRANSTON WAY A/K/A
14 GRANSTON WAY
LEGAL NOTICE
NOTICE OF
MORTGAGEE'S SALE
OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Robert J. Tourigny, Rose J. Tourigny to Astoria Federal Mortgage Corp., dated March 30, 2007 and recorded in the Plymouth County Registry of Deeds in Book 34342, Page 161, of which mortgage the undersigned is the present holder, by assignment from:

Astoria Federal Mortgage Corp to Sterling National Bank, recorded on July 16, 2018, in Book No. 50044, at Page 190

for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 1:00 PM on August 29, 2019, on the mortgaged premises located at 15 Granston Way a/k/a 14 Granston Way, Wareham, Plymouth County, Massachusetts, all and singular the premises described in said mortgage.

TO WIT:

The land with the buildings thereon, situated in that part of Wareham, Plymouth County, Massachusetts, known as Long Neck, Onset Village, and bounded and described as follows:

Beginning at a stake at the northeasterly corner of the premises herein described which is the westerly line of land formerly of Pratt and now or formerly of Stone; thence running by said Stone land S. 21° E. 181.17 feet to a drillhole in a concrete sea wall; thence still running S. 21° E. 25 feet more or less to the mean high water line of Buzzards Bay; thence running in a general south-westerly direction by the mean high water line of Buzzards Bay 206.62 feet, more or less, to the southeasterly corner of land now or formerly of Ernest A. Rosequest; thence running by said Rosequest land N. 15° 50' W. 50 feet, more or less, to a stone bound; thence still by Rosequest land N. 79° 40' E. 11.59 feet to a corner; thence still running by land of Rosequest N. 10° 48' 30" W. partly by a fence 168.10 feet to a stake and land now or formerly of Mulhern; thence N. 77° 18' 30" E. 164.42 feet to land of Stone and the point of beginning.

Together with all right, title and interest of the grantor in and to the beach and flats lying between high and low water lines of Buzzards Bay between the easterly and westerly boundary lines of the above-described parcel extended.

For title reference, see Book 22302, Page 109.

For mortgagor's(s') title see deed recorded with Plymouth County Registry of Deeds in Book 22302, Page 109.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

A deposit of Twenty-Five Thousand (\$25,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Harmon Law Offices, P.C., 150 California St., Newton, Massachusetts 02458, or by mail to P.O. Box 610389, Newton Highlands, Massachusetts 02461-0389, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

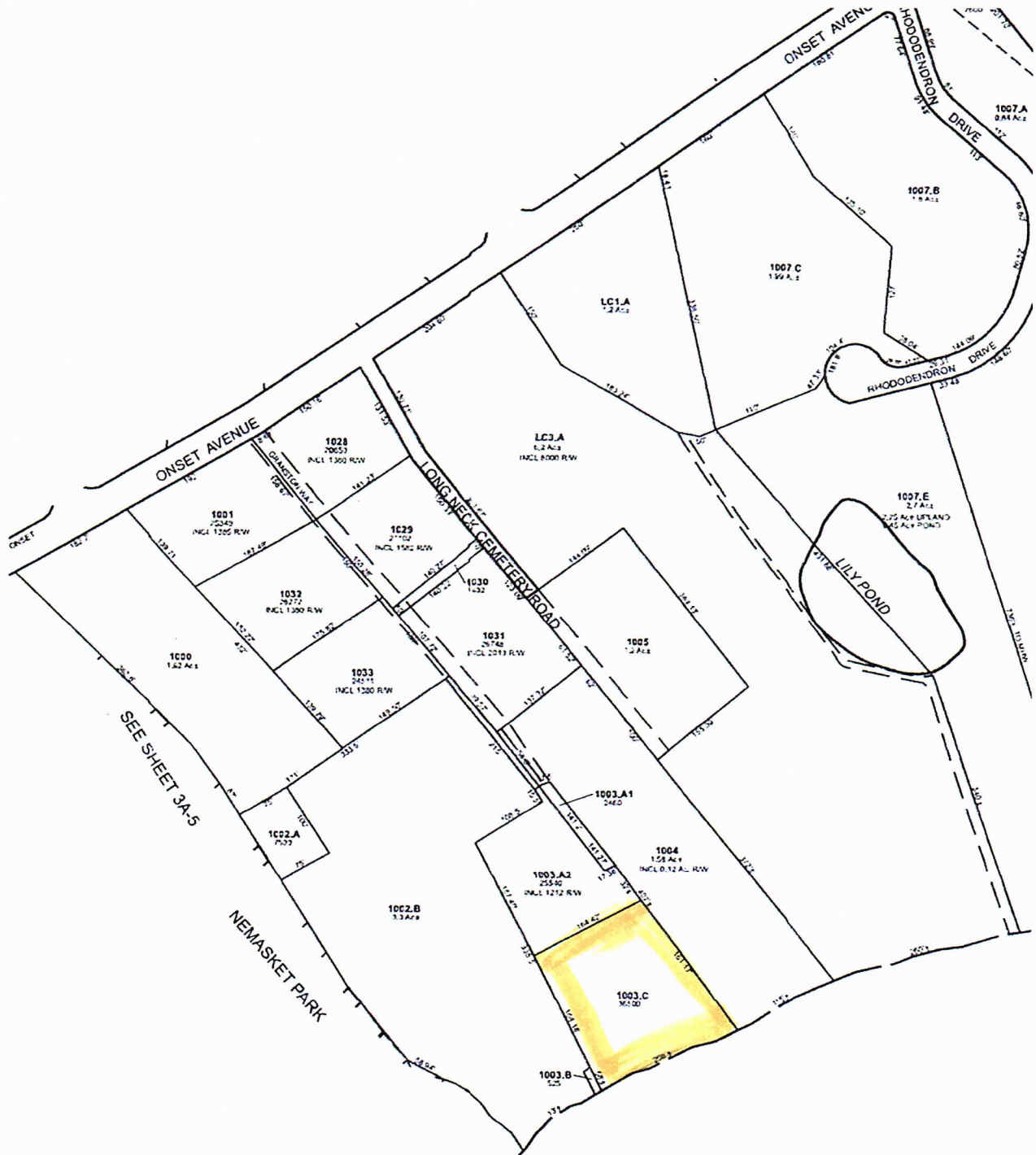
Other terms, if any, to be announced at the sale.

**STERLING NATIONAL
BANK**
Present holder of
said mortgage

By its Attorneys,
**HARMON LAW
OFFICES, P.C.**
150 California St.
Newton, MA 02458
(617)558-0500
10794

AD#13822421
Courier & Sentinel 8/8,
8/15, 8/22/19

ASSESSOR'S MAP5 SEGMENT



WAREHAM ZONING BOARD OF APPEALS
MICHAEL TROJANO
15 Granston Way

EXISTING BUILDING PHOTO



EXISTING VIEW FROM EAST

WAREHAM ZONING BOARD OF APPEALS
MICHAEL TROJANO
15 Granston Way, Onset