

Request for

VARIANCE / SPECIAL PERMIT

to the

WAREHAM ZONING BOARD OF APPEALS

KAREN & BRUCE PEIRCE

**17 West Blvd.
Onset, MA**

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JC Engineering #5402 (12.22.20)



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: 17 WEST BLVD MAP: 1 LOT: 1036
ZONING DISTRICT: OV2
USE REQUESTED: RESIDENTIAL
OWNER OF LAND & BUILDING: KAREN & BRUCE FEIRCE TEL.# 781.729.6966
ADDRESS OF OWNER: 23 THORPE RD, NEEDHAM, MA 02494
PERSON(S) WHO WILL UTILIZE PERMIT: OWNER
ADDRESS: SAME
DATE: Nov. 11, 2020 SIGNATURE: Karen Feirce
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**

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: **17 West Blvd.**

Landowner Name: **Karen & Bruce Peirce**

Owner's Address: **23 Thorpe St., Needham, MA 02494**

Telephone Number: **908.202.6922**

Contact Person: **William H. Lockwood**

Telephone Number: **508.273.0111**

Map **1** Lot **1036**

Zone **OV2**

Date Approved _____

Date Denied _____

Comments:



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

William Lockwood
P.O. Box 95, 219 Onset Ave
Onset, MA 02558

February 2, 2021

RE: 17 West Boulevard

Map # 1, Lot # 1036

I have reviewed your application to alter the existing dwelling at 17 West Boulevard in Onset, MA. Your proposal does not comply with the requirements set forth in the Wareham Zoning by-law and must be denied at this time.

You have applied for a building permit to construct a second floor addition over the single story kitchen area toward the rear of your property. The addition does not increase the building, or impervious coverage; however, it does increase the non-conforming floor area ration from 30.9% to 37.1% where 25% is permitted. This action will require a Special Permit from the Zoning Board of Appeals.

The dwelling currently sits 3.8' from the northeast property boundary where 10' is required. You are increasing the building height within the non-conforming footprint; and that is considered an intensification and or aggravation of a pre-existing non-conforming structure. A Special Permit from the Zoning Board of Appeals is required in order to proceed.

The submitted permit application documents, which include elevations and a floor plan by "Lockwood Architects" labeled "Job no 1275" comprised of one page and dated November 20, 2020 are being denied under the following sections of the Wareham Zoning By-law:

- **Article 6 Table 628, Dimensional Standards for Small Lots in Village Districts:** Small lots in Village districts that are between 0 and 5000 square feet are permitted to have a 25% floor area ratio.
- **Article 6 Table 622, Village Districts:** Lots in the OV-2 zoning district are required to have a minimum 10' side and rear setback.
- **Article 13 Section 1352, Non-conforming Structures:** Alteration or expansion of a lawfully pre-existing non-conforming residential structure requires relief from the zoning Board of Appeals. A Special Permit is required for an increase to

the non-conforming nature unless the Board of Appeals finds that the increase will be substantially more detrimental to the neighborhood in which case a Variance may be required.

The subject dwelling is located in the OV-2 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: KAREN & BRUCE PEIRCE
17 West Blvd.
Map 1, Lot 1036

SITE DESCRIPTION

The property is located in the Shell Point area of Onset in an OV2 residential zone. It is a lot of about 4454 square feet in area, or somewhat less than half of the 10,000 square feet currently prescribed by the zone for a single family parcel. The 50.51 feet of frontage is slightly more than the 50 feet required for a single family.

There is currently an existing one and a half story single family house, plus a shed structure located on the property. At least two on-site parking spaces are currently provided on the property. The lot is currently, and will continue to be, used for residential purposes.

PROJECT DESCRIPTION

The petitioner proposes to construct a second story addition over an area currently occupied by a single story portion of the house and a deck. No increase in the footprint is proposed.

REASONS FOR GRANTING THE VARIANCE / SPECIAL PERMIT

Construction of the addition does not create any new non-conformities, nor increase any existing non-conformities, and as such is not substantially more detrimental than the current conditions. Enclosure of the porch area is allowed by De Minimis under Section 1392.2

The lot size is under sized, and this project cannot change that. The current building coverage is about 27% which is already greater than the allowable 20%, and this project will not change this. The current impervious cover is about 35%, which is less than the allowable 50%, and this project will not change that.

The front (east) and north setbacks are each less than the required. While neither is being changed, construction of the second story addition is partially within the north setback. The addition increases the Floor Area Ratio by less than 200 square feet. While not a dormer in the classic sense, the second floor addition does not raise the roofline, and at less than 200 square feet, is far below the 400 square foot increase allowed by DeMinimus in Section 1392.1, and as such presents no significant conflict with the intent of the provision.

It is felt that this proposed improvement will provide an overall benefit to the petitioners, property, and to 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 bylaw . .

Relief will allow continued 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.



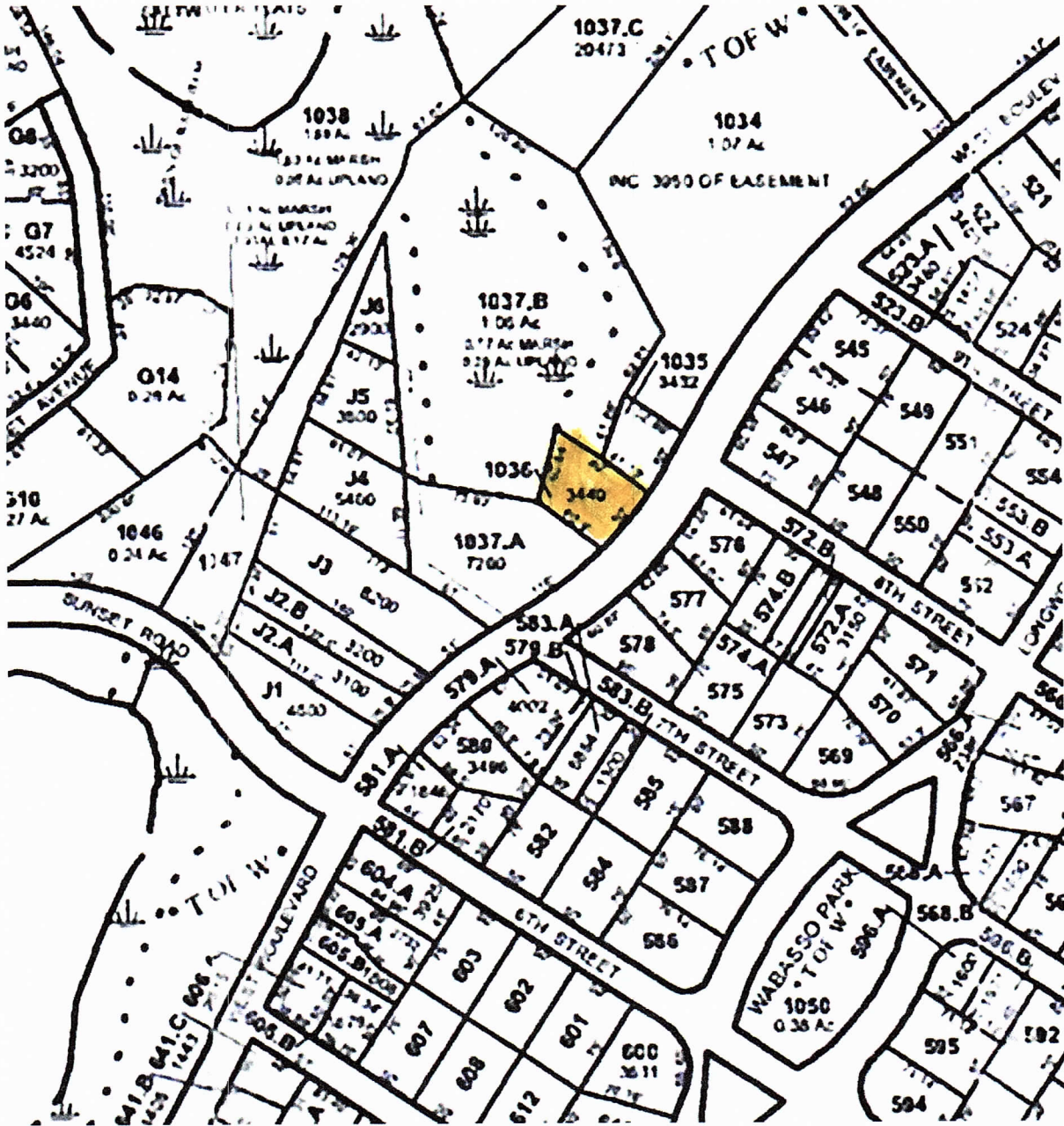
TOWN OF WAREHAM
 ABUTTERS LIST
 MAP 1 LOT 1036
 17 WEST BLVD
 PEIRCE BRUCE

abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address2	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location
1-1046	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571	3080/ 102	0 SUNSET RD	0 SUNSET RD
1-1047	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571	1914/ 228	0 SUNSET RD	0 SUNSET RD
1-1048	HARCOVITZ CHARLES A		28 RIVERVIEW TERR	WAREHAM	MA	02081	40029/ 333	23 WEST BLVD	23 WEST BLVD
1-1049	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571	3080/ 102	0 WEST BLVD OFF	0 WEST BLVD OFF
1-1050	SACCA JOHN JR		PO BOX 692	ONSET	MA	02558	150/ 165	50 WEST BLVD OFF	50 WEST BLVD OFF
1-1051	HARCOVITZ CHARLES ADAM		28 RIVERVIEW PLACE	WAREHAM	MA	02081	28380/ 335	21 WEST BLVD	21 WEST BLVD
1-1052	SMITH NICOLE	SMITH GARRETT	127 CANDACE AVE	WAREHAM	MA	02571	49167/ 160	53 WEST BLVD OFF	53 WEST BLVD OFF
1-1053	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571	3080/ 102	0 WEST BLVD OFF	0 WEST BLVD OFF
1-1037/B	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571	3080/ 102	0 WEST BLVD OFF	0 WEST BLVD OFF
1-1037/A	ARCHAMBAULT JOHN A		PO BOX 1594	ONSET	MA	02558	25328/ 103	19 WEST BLVD	19 WEST BLVD
1-1037/C	INGRAHAM CHRISTOPHER L		PO BOX 738	ONSET	MA	02558	37048/ 314	9 WEST BLVD	9 WEST BLVD
1-578	NOLL MARY P	NOLL PAUL R	17 ELYSE RD	MANSFIELD	MA	02048	48581/ 154	26 WEST BLVD	26 WEST BLVD
1-1035	DEVUE JANE		56 ELMER RD	DORCHESTER	MA	02124	16741/ 310	15 WEST BLVD	15 WEST BLVD
1-577	FLAVILLE-TAYLOR CAROL A	LIFE TENANT	1250 JOAN DRIVE	SOUTHAMPTON	PA	18966	27786/ 293	24 WEST BLVD	24 WEST BLVD
1-576	CAMMARANO DOMINIC A JR	CAMMARANO GAIL A	PO BOX 910	ONSET	MA	02558	22276/ 183	22 WEST BLVD	22 WEST BLVD
1-1034	TOWN OF WAREHAM		TOWN HALL	MARION	MA	02571	1914/ 228	13 WEST BLVD	13 WEST BLVD
1-547	FORREST ROBERT	FORREST DEBORAH	PO BOX 1352	ONSET	MA	02558	15155/ 346	20 WEST BLVD	20 WEST BLVD

CERTIFIED LIST OF ABUTTERS AS
 THEY APPEAR ON OUR TAX ROLLS
 AS OF 10-20-2020

RE Marin
 ASSESSORS OFFICE

ASSESSOR'S MAP 1 SEGMENT



WAREHAM ZONING BOARD OF APPEALS
KAREN & BRUCE PEIRCE
17 West Blvd.



CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION	DESCRIPTION	Code	Appraised Value	Assessed Value
PEIRCE BRUCE PEIRCE KAREN 23 THORPE RD	1 Level	1 All Public	1 Paved	2 Suburban	RES BLDG	1010	130,500	130,500
				8 Flood Plain	RES LAND	1010	137,770	137,800
					RES OTHER	1010	300	300
SUPPLEMENTAL DATA								
Other ID:	Plan #							
Total Ac	0.08	Assoc. Parcels						
District	21							
S.C.E.								
GIS ID: M_269567_832919	ASSOC PID#							

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.
PEIRCE BRUCE	49160/242		11/09/2017	Q	I	270,000	
LORD PAUL	45391/122		03/31/2015	U	I	190,000	IO
FORREST ROBERT C SR	42827/265		03/21/2013	U	I	120,000	IU
MCMANUS MARY F LIFE ESTATE	30908/13		07/13/2005	U	I	1	1A
MCMANUS MARY F	5942/148		01/14/1985	Q	I	1	

EXEMPTIONS		Amount	Code	Description	Number	Amount	Comm. Int.
OTHER ASSESSMENTS							
ASSESSING NEIGHBORHOOD							
NBHD/ SUB				Tracing			
0061/A							

APPRaised VALUE SUMMARY		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
Appraised Bldg. Value (Card)							130,500
Appraised XF (B) Value (Bldg)							0
Appraised OB (L) Value (Bldg)							300
Appraised Land Value (Bldg)							137,770
Special Land Value							0
Total Appraised Parcel Value							268,570
Valuation Method:							C

VISIT/CHANGE HISTORY		Date	Type	IS	ID	Cd.	Purpose/Result
Net Total Appraised Parcel Value							268,570
Adjustment:							0
Total Appraised Parcel Value							268,570
Valuation Method:							C

BUILDING PERMIT RECORD		Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
MARSH AND MARSH VIEWS AT PROPERTY REAR		021143	06/17/2002	RF	Roofing	2,500	08/20/2003	100		

LAND LINE VALUATION SECTION		Zone D	Front	Depth	Units	Unit Price	I. Factor S.A.	C. Factor	ST. Idx	Notes-Adj	
MARSH AND MARSH VIEWS AT PROPERTY REAR		OVR 2			3,400 SF	19.58	1.0000	5	1.000061	1.80 WATER VIEWS	
Special Pricing		Spec Use		Spec Calc		S Adj		Fact		Adj. Unit Price	
				L12 L12		L12 L12		1.15		Land Value	
										137,770	

CONSTRUCTION DETAIL (CONTINUED)

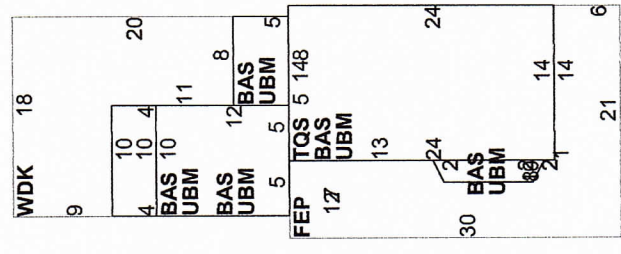
Element	Cd.	Ch.	Description
06			Conventional
01			Residential
03			Below Ave
1.75			1 3/4 Stories
1			Occupancy
14			Exterior Wall 1
14			Exterior Wall 2
03			Roof Structure
03			Roof Cover
04			Interior Wall 1
05			Interior Wall 2
14			Interior Flr 1
14			Interior Flr 2
03			Heat Fuel
05			Heat Type
01			AC Type
02			Total Bedrooms
1			Total Bthrms
0			Total Half Baths
1			Total Xtra Fixtrs
5			Total Rooms
03			Bath Style
04			Kitchen Style
			# of Fireplaces
			Fireplace Type
			Finish Bsmt SF
			Fin Bsmt Qual

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Description	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr	Value
SHD1	SHED/FRAME			L	48	14.00	2000	0				50	300	


BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprac. Value
BAS	First Floor	554	554	554		76,084
FEP	Enclosed Porch	0	276	276		26,506
TQS	3/4 Story Fin	235	336	336		32,274
UBM	Basement Unfin	0	554	554		15,244
WDK	Deck, Wood	0	250	250		3,433
					789	1,970
Tot. Gross Liv/Lease Area:						153,542



TR 1302 2018

11/10/30



2017 00098758
 Bk: 49160 Pg: 242 Page: 1 of 2
 Recorded: 11/09/2017 12:00 PM
 ATTEST: John R. Buckley, Jr. Register
 Plymouth County Registry of Deeds

CANCELLED

MASSACHUSETTS EXPIRES
 Plymouth District ROD: 11/09/2017
 Date: 11/09/2017 12:00 PM
 Ctr# 108429 03925 Doc# 00098758
 Fee: \$1,231.20 Cons: \$270,000.00

Quitclaim Deed

Paul Lord, an Individual of 17 West Boulevard, Wareham, Plymouth County, Massachusetts

in consideration paid, and in full consideration of Two Hundred Seventy Thousand and 00/100 (\$270,000.00) Dollars

grant to Bruce Peirce and Karen Peirce, Husband and Wife as Tenants by the Entirety of 23 Thorpe Road, Needham, Massachusetts 02494

with **QUITCLAIM COVENANTS**,

The land in Wareham, Plymouth County, Massachusetts with the buildings thereon, located in that part known as Onset, on the Northerly side of West Boulevard, bounded and described as follows:

Beginning at a point in the Northerly line of West Boulevard, fifty and 0/100 (50.00) feet distant Westerly from the intersection of a prolongation of the Easterly line of Eighth Street and the Northerly line of West Boulevard, it being the South corner of land now or formerly of Flora B. McGregor;

Thence running North 41° 33' West by land now or formerly of Flora B. McGregor, three and 00/100 (3.00) feet, more or less to an iron;

Thence running North 41° 33' West by land now or formerly of Flora B. McGregor, forty-one and 425/1000 (41.425) feet, more or less, to a cement bound at the Southwesterly corner of land now or formerly of Flora B. McGregor;

Thence continuing in the same course North 41° 33' West to the Creek;

Beginning again at the South corner of land now or formerly of Flora B. McGregor in the Northerly line of West Boulevard and running Southwesterly by the Northerly line of West Boulevard, fifty and 00/100 (50.00) feet, more or less, to a sunken stone post,

Thence turning and running North 41° 33' West in line of land now or formerly of Merrihew and Wixon thirty and 00/100 (30.00) feet, more or less, to a cement post;

Thence continuing in the same course by land now or formerly of Merrihew and Wixon, North 41° 33' West to the creek; and

17 West Blvd
 SHEET 1
 AT 103p
 3400
 TAMPS
 MARKS

Property Address: 17 West Boulevard, Wareham, Massachusetts

Mail 1

Quicksilver Title & Escrow
 465 Waverley Oaks Rd
 Ste 400
 Waltham MA 02452

Thence turning and running in the general Northerly direction by the creek to the intersection of the first mentioned course and the creek;

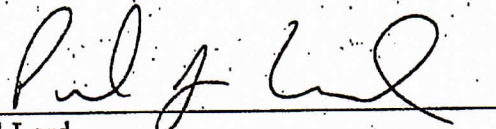
Together with all rights, privileges and easements connected therewith and subject to restrictions and easements of record and are hereby conveyed subject to any building and zoning law requirements which may be in force and applicable.

The Grantor named herein does hereby voluntarily release all rights of Homestead, if any, as set forth in M.G.L. Chapter 188 and state that there is no other person or persons entitled to any Homestead Rights.

For title see Deed dated March 31, 2015 and recorded with the Plymouth County Registry of Deeds at Book 45391, Page 122.

Property Address: 17 West Boulevard, Wareham, Massachusetts 02558

Executed under seal this 8th day of November, 2017.



Paul Lord

COMMONWEALTH OF MASSACHUSETTS

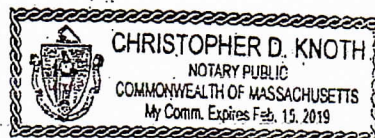
Plymouth, SS.

November 8th, 2017

On this 8th day of November, 2017, before me, the undersigned notary public, personally appeared Paul Lord, proved to me through satisfactory evidence of identification which was a MA DL to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntary for its stated purpose, by his free act and deed.


Notary Public

My commission expires: 2-15-19



AERIAL PHOTO



**WAREHAM ZONING BOARD OF APPEALS
KAREN & BRUCE PEIRCE
17 West Blvd**

EXISTING PHOTOS



VIEW FROM WEST BLVD.



VIEW FROM SOUTHWEST (REAR)

**WAREHAM ZONING BOARD OF APPEALS
KAREN & BRUCE PEIRCE
17 Wet Blvd. Onset**