THE LAW OFFICES OF BELLO & MORTON, LLC

184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

Zoning Board of Appeals of Wareham

Memorial Town Hall

54 Marion Road

Wareham, MA 02571

FILE COPY

Re: Application for Special Permit/Variance Assessors Map 20, Lot 1017/A 12 Over Jordan Road, Wareham, MA 02571

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1. Petitioners

Thomas Parenteau, Owner of

TJP Realty LLC

19 Over Jordan Road

Wareham, MA 02571

2. Recorded Owner:

TJP Realty LLC

19 Over Jordan Road

Wareham, MA 02571

3. Certified Abutters List:

Copy Attached as Exhibit A

4. Current Deed and Trust Documents:

Plymouth County Registry of Deeds Book 51249, Page 227 (Deed). Exhibit B.

5. Building Inspector's Notice of Violation Letter:

Violation Letter dated February 11, 2021 attached here as <u>Exhibit C</u> from the Building Commissioner referencing Appeal to Zoning Board of Appeal is necessary.

6. Proposed Site Plan:

Attached as Exhibit D is a copy of the Relevant Plan and architectural renderings for the project. Please note our Parcel is in the R-60 District.

7. Letter of Intent

Dear Mr. Chairman,

I represent the applicant Mr. Thomas Parenteau of TJP Realty LLC re the above application for a Variance on their proposed new construction on 12 Over Jordan Road.

Background:

As noted in the Commissioner's denial letter, the applicant razed an existing one family structure on the property and "this activated the Mass Merger Doctrine and created a land merger with the adjacent parcel in common ownership."

The applicant intends to seek relief from the Board in the form of this petition in order to build the new construction he is proposing in the attached plans and renderings.

Relevant By Law for Relief: Variances

1470 VARIANCES

The Board of Appeals shall have the power to hear and decide applications for Variances from the provisions of the Zoning By-Laws, including the power to grant a Variance authorizing a Use or activity not otherwise permitted in the district in which the land or structure is located. A Variance may be granted when factors relating to soil conditions, lot shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a site or location that previously conformed to zoning requirements. An applicant must demonstrate that a literal enforcement of the By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Commissioners Denial Letter:

Per the Commissioners Letter, we are seeking two Variances under MGL, chapter 40 A Section 15:

- Article 6, Table 621, Residential Districts: Lots in the R-60 zoning district require a minimum of 60,000 square feet and 180' of frontage. A Variance from the Zoning Board of Appeals is required in order to break the land merger and to allow construction on the parcel.
- Article 6, Section 621, Residential Districts: New structures in the R-60 Zoning District are required to maintain a minimum 60' front yard setback. Your proposed structure details a 31.2' front yard setback to the face of the structure but there is a new staircase proposed which is not detailed in the drawing. A Variance from the Zoning Board of Appeals must be granted in order to proceed with the proposed front yard setback.

Legal Standard as Applied to our case:

Our lot was preexisting and non-conforming, but since the demolition of the existing structure (footprint as noted on the plan) now we are before you seeking relief to build a one family new construction on the smaller lot.

Looking at this lot – it has 150 feet of frontage (short 30') and has approximately 42,688 square feet (short 17,312). This Board has the authority to grant a variance on this project if they see it meets the requirements set out by the Variance statute. We shall review here:

Now to the statutory requirements, this lot is certainly unique in its topography. The land is surrounded by wetlands and no touch conservation zones. Coastal properties are unique and certainly have their own challenges. Secondly there is an extreme hardship to the petitioner here if the board deems these properties unbuildable- the lots have been occupied by a single-family home since 1957. The old building was falling in disrepair and a hazard to the area. The petitioner is seeking to reduce the footprint and improve the property tremendously. To have the property be deemed unusable for development is surely not the intent of our Zoning by-law. Case law shows that the local Zoning board do have the authority to break the merger of lots if is applicable – in this instance it surely is. There are three lots with single family homes from the 50s which are were in need of development and reconstruction.

As for the statutory requirements for the front yard setback variance, this lot is unique in that flanked on one side by Over Jordan Road and then on the other side by coastal wetlands and bordering vegetated wetlands. The topography of the land is an issue as well to as the homes being built here need to be put on stilts as they are in the FEMA flood zone. The front yard setback as the Commissioner said is 31.2' in a district where 60' is required. The reasoning for this setback is due to the proximity of the builds to the wetlands and protected conservation area.

There would be a substantial hardship to my client if these Variances where not granted in the way that he would not be able to build on the sites that previously had single family homes on them. The loss of the grandfathering through this doctrine would be extreme detrimental to Mr. Parenteau warranting these lots unbuildable. We in Town are looking to encourage thoughtful development. After reviewing the plans, my hope would be that the Board sees the value that Mr. Parenteau is bringing to the area here, which is difficult to develop considering the challenges with the wetlands and coast.

It is our hope that the Board views the granting of these variances as keeping with the nature of the neighborhood and helping the value of the properties increase, therefore increasing tax revenue for the town.

Lastly, granting the Petitioner the relief being requests in no way derogates from the intent of the zoning by-laws as the lot is zoned for single family residences. The build keeps with the nature of the neighborhood.

All things considered allowing these Variances would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law.

Respectfully submitted,

Jilian A. Morton, Esq.

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.
- o Complete information packets. (Directions attached)
- o 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.

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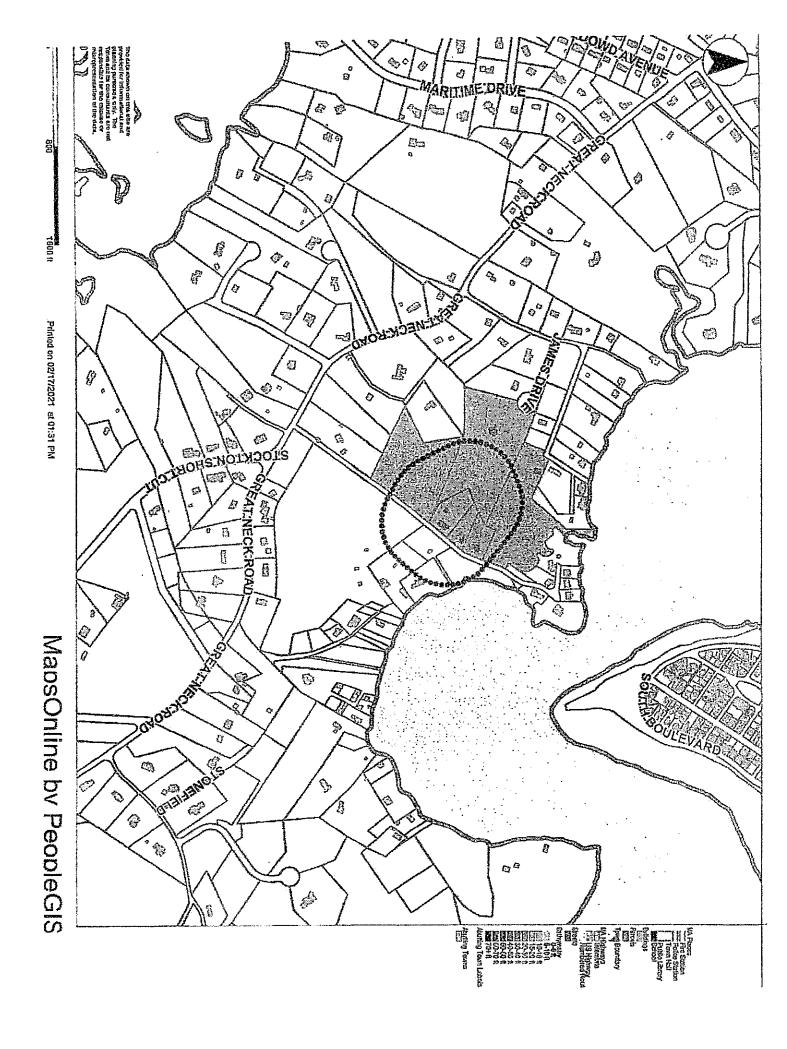
TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENATIVE INFORMATION SHEET

Check Applicable: _	Variance _	Special Permit	Site Plan	Appeal
Date stamped in:		Date decision	on is due	
Applicant's Name: _	Ti	TP Realty L	<u> </u>	1 1 01/1 01/1
Applicant's Address:	19	over Tord	an Road	, warevan ,
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Cell Phone Number:			attane	/
Email Address:		<u>/</u>	Jilian	Maran
Address of Property/	Project:	12 over Ja	ordan Ra	ad, Warehan
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Owner's Address:		19 Over San	dan Roac	<u>:/</u>
Telephone Number:		1111		
Contact Person:	Attorney Ville	an Maran Teleph	one Number:	508-295-25
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Parcel 2. Reguming at the continentry corner of said tract at a stake, said point also being the northwesterly corner of Tract 1, said stake begring M, 177 187 W from a concrete bound and 15th feet distant therefrom Thence N, 177 187 W 180 feet by limit of Charence N, Hewitt to a stake for a corner, thence N, 72 a 427 E by land of Ethel M. Burgess 24th feet to a stake at or rearmous low water line of Shall From Buy 100 Get, more or less, to a stake for a bound, thence S, 737 a 27 W, 66 feet to a stake, thence in the same course 150 feet to the point of beginning, Coamining 24,600 square feet more or less.

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PARCEL 5 - 19 Shell Land

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National Comments Plyniagit Launy Reguly of Dank Trans Compage se wish Shancach County Registry of Deeds July 5, 1961, as Pam No. 434 of A cartain parcel of land in Wareham, Plymouth Cenny, Mastachuseus, containing 6500 square feet intro or less and shown on "Plan of Land Sarveyork PARCEL 7 - 17 Shell Larre Said parcel is more particularly tounded and described as follow. 1981, in Ounk 2864, Page 471 Rowley & Associates, West Wareham, Mess, sevised June 13, 1961", filed for Educi H. Burgow, Orcat Neek, Wareham, Mass. May 23, 1964, Walter E. C. Companyon V

Beginning at a concrete bound at the most southerly corner at said parcel as land of Party S. Bullock in the western saleline of an existing right of way; then a renning.

Note 1: 7" () 19" West, 20.01 feet at sale () work on a cycle said fand of Ruth S. Oulh, etc. at a contrade found, thereon,

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Salvatine and Pholic Valleda, the wellerly salvatine and Pholic Valleda, the wellerly salvatine for a salve, thence

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FFOREFORE

North, 177 02' 50" West, by land of Substition and Fuhri F. Velpe to a stage bound standing year the shore; and thence:

South, 37° 05' 50" West, 110.14 feet by tard of Salvestino and Ethel E. Volpe to the potent of beginning.

Subject to existing rights of way and ensurents of record, rights of the public in the purion below the hight water mark and ensurents described to dead from Joseph H. Burgess recorded in Book 1697 Page 537

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Meaning and inconding to describe and curvey that parcel a received to Selecting.

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E Statement of the stat

7 Marketon and State ... Company Profession of the second STATE OF THE PARTY S. Assert Z Strange S 100 90% 197 5220 Voint of Ener I. Voint by fixed bird bowering in 1991 and recovered in the exactly in a positive of the proposes described in deed of Burgess to Newtonian and the Physical County Registry of Deeds, Book 1748, Fige 301, Hymouth County Registery of Decks at Bank 2391 page 44. Yes that and standing to describe and convey that providences and of sections in the contract of the contract Regard 18—Magnering at a securate bound at the security counce of the fet to be the critical, while concrete bound being should beath 1 ** 18* 00* food 11* 68 क अन्यत प्रदान के मान १५ मानिक १ मान्याच्या हते हिन्दीहरू को अन्यत्वेद हती है जो तथा हो सुन्दी है । स्वतन wastedy comen of a lot of land conveyed to Sabasiano Volpe it ux, and recorded Parcel A - Beginning at a some bound in the southerly sideline of Over Jordan Road, it being the northeasterly corner of the lot to be described and the Weekhane aspects as livingers Point buing more easteration is reconded and PARCIL 6 - 13 Over Jordin Regu Caption the stone haind first mentioned to Page? A of this entreposite. thence turning and running it fine of other (and of Sobestino Voice edits, North thence sucriting in five of land of Sabistina Value of 12, South 17, 18,00. How in the Phymouth County Registry of Deeds, Book 2570, Page 541; described as relines: thence tarning and musing a line of Parcel 1, North 177 48' 60" West 18.0 Sec 116.0 feet to the low water mark of Shell Faint day, thence maining by land of Sabestina Volpe et us, North 72° 42' 66" East 50° 1300° 130 20° her more en sea framedime behad frod mentasue und thence curring and worthish in the Southarty suffigure of Over Anden Koart, North 150 00 feet as a store house fighte wouldn't wildine will be a Forder Road thence turning and manning in line of other and or Subsection Volve plan Roch 17" I 8 00 150.00 feet to a point for a carner icearded in Plan Book 7, Page 596 described to commine 3.240 square feet mare of less and is stored on a plan to the contract licenst first remainmed and point of heginning. The above West 216.0 feet to a stake for a corner; thence terring and running by other fand of Sabertine Veden et as, 125 at 00" 15 feet mare or less to a point for a certien, thrace torang and comme by the low water mark of Shell Point Bay, southerly Fun comin purcels of bod with the buildings thereon prested to that part of \$0.65 \$0.65 Parameters of the second secon 10 1 19 Strain 1 jakisa P § ... EDEEFEEE 1 Ü

December Section 2 203 estimes ed and Circuit Neck Road, as set forth to Deed recorded in Book 2506. southeasterly corner of land now or formerly of Sabestine Velpe and Ethes building shall be critered or maintained except a cargo housing me made that pulposes that it shall not be used for husiness ar commercial proposes, and that penion of land of Ethell f. Buryons on Clear Neek, Warehou, July 5, 1922, The courses and distances herein set forth are substantially as shown on "Plan of this in the upon course over said private way between the land hereby Fitted II July to Measure the line gold Womeneyed and Chart Day, were said E. Velbe; thence sunning leading easterly and conficuraterly from Circut Noch Road, at the Reginning at a concrete bound in the westerly sideline of a state way The and in Warehou, Plymouth Charty. Massachustta baunded and described as follows act more than one dwelling shall be exceed or maintained themon. No wher Subsection the conditions and researches that it shall be used only for residental Newell B. Signa, Right, four fewert of reconf. from these estimes in comment with others having a fixe right, recreational a study of said such thank is a sholl be determined by said field II Burgers Combining lands square feel office of less. A PASHELSON PARCEL B - 6 Shell Lane Measury and retending to describe and convey that parcel open eyed to Sobestimi logerher with highlight to pass and replay to suffer or or neutrolog fund at said SOUTH to mother fire of each of along ton 08's by A'MALSON HANDLE private way, and thence He feet by said land now or formerly of Volta to a way to the point of beginning \$7 23' 10" WEST 150 feet 57 said private concrete bound in the wearthy sideline of said inemally of John J. and Kna C. Kelley, 20 a 89" OS 30" EAST 145 lest to said land employ canoncle bound in the sucsterly content of land now or formerly of John J. and Kita C. Kelley, thence formerly of said Yospe to a stake; thence DORDOGDADOG T. 7

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Courts Register of Deeds at Book 1616 page 437

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त्र जातं वर्गकातीम् । त	to the conditions is that it shall not be than one dwelling that be created a	The crutes and distances forth on "Phan of purson of land of Wareham, July 2, 1985, Newali B	Said land is heigh Say, botween the l Tha Dawd recorder	and by wald Ethol a like aght. Da no	Saint-Lend i Nember Managerang land i Managerang land	Consumments (Sid square live mark or less.	13.40 A.				an e San Annal Sesiu				À	casterly and nout casterly and nout of land now or for		ni m Warcham, M	6 Shell 1.8	The second secon
Me allegrand attending to describe statems. Allins participates and the	Subject to the conditions are restrictions that it shall be used only for residential purposes that it shall not be used for business or commercial proposes, and that not enough one than one dwelfing shall be created or monitoned therein. No other building shall be created or maintained except a garage feating not more that tearwars.	The courses and distances betein set forth are substantially as so forth on "Plan of porsion of land of Ethel H. Bargess on Great Neck, Wareham, July 2, 1985, Newell B. Snow, Engh," [not found of needed]	Said land is herdly conveyed with the right to pass and repais over a private say, between the land hereby conveyed and Great Neek Road, as set forth in the Duid recorded in Baok 20%, Page 43%.	decomplised by said Edul H. Burgess brief upperto these, in company with it was not become in the company with it was not better that in the company with it was not better that in the company with it was not better the company with its property and the company with the company	Safet Lend it begind conveyed together with the right to pass and repass in the first land of said 6thel R. Burgass, between the land honey are not because the land honey.	that muse or less.	beginning	in the last today men by said haid	counter of said land uses as formerly of Demodo-	39 95 feet by suid had now optiomacy of soid	NORTHESS LEXICY Street by east and new or formerly of Validation and new or formerly of Validation	Total C. Volge, theory	formerly of Ethel H. Burguss to a concrete bound	THE THE TOTAL LAW SECTION SHEET PRINTING WAY TO A	di dica di a mana a da man	Degranding at a concrete boost in the westerly sideline of a private way leading casterly and northeasterly from Great Neet. Road, at the southeasterly corner of land now or farmerly of Frank J. and Frances fermuly there remains		The land in Wareham, Phymouth County, Massachuseus, bounded and		
Arthur Durch Commen	it it shall be used a is or commercial po or invintioned their pla garage housin	retein sei, forth am substantially as so Eithel L. Burgess on Great Neck, Suow, Emph." frant frand of neonal	e ripht to pass and Ad and Circut Need Po 43K	or said remaining we to drive, in the weigh	er with the right to		maly to me point	Unit by said fact	C Walland C	o ássanta a sa	www.fomeels.cf	e e sameanna en	my see sy and move	cel by sales sales		t westerly sideline at Neck Road, at it and Frances Dermi		ીગલનીપસ્થક, ફેલ્સ	f	2002
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part of Parameter (-7 9 100 mm 3 San 30). 2 oww H The Infid has by Committy of Man Circult Managers as I food in Description let in the Committee of the Commi 21/W 130 20 1 (\$1.1.1) (22) Beer to Wee And in Read to Because to begin to Surveys, recorded with Hymeum County Registry of Deeds in Book 2526 repass in and over said Over Jordan Roud between said parcels and the goalshi flath said gareels are bereby conveyed togyther with the right to pass and Purcel #2 critians 1-2) nerus muze or less according to said plan. the scattenesterly coases of land now or formerly of Arma E. Hale; Buginning at a conducte bound in the northerly line of Over Jordan Road of Suit pricels leftlier described in the vesting deed as follows: used known as Circul Neck Road in compline with adeas lessing a like right. アルシン Three Cashington Tent of end Sirvers in Ethel H. Burgess, Over Jurday Code Great New New Marsham, Sept. 1417 1958, Walter E. Bowley. Parce 42 - 12 Charles Indian the sex of Hupers Lie A contries #2.530 science was recover for the Bagginnias 22,192 square for more art less and Lat C contains 21,432 square for more parties. In hy Salassino Volgo and Ethel Volpe, Great Neck, Wardiam, Mass New Local Co. for A, Lot B and Lot C as shown on a plan emilled "Division of Parecist Orice) feet cortain parceit of land altuared in that part of Wareham, Flynboeth Cacary. Massachusetts, known as Great Neck, with the balldings thereon, described as PARCEL 12 Plymouth Comby Registry of Deeck at Book 2468 page 100. Meaning and intending to describe and convey that parcel conveyed to babed in Volpe and Estel E. Volpe by deed dated November 10, 1955 and recorded in the described as follows: Massachusetts, known as Grent Neek, with the huddings thereon, humafed and Filemouth County Registry of Deeds in Plan Book 11, Page 244 Tareul #1 - 12, i.e. & 16 Over Joidan Read 10 m Used ht. 13, 14 & 15 Over Jordan Road Two percels of land situated in this part of Wavelaut, Phymouth County, "ne" Walter E. Rawley, Surveyor, West Wareham Mass, Treconforture thence enuncing South 47° 43' His West, one hundred forty-three and here Sauli 65, 59, 10, West two tripled Scients with an ind bottom 100 F NENDEPLE E D D D D D D D D D D D greene

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thence Smill descriptions of the content of the c (175-18) feet by some wearst Arien II. Habe to the point of beginning or two, to from the water that of Sight Millians, by said and of the real of the real of the said of the 1909 feet, more thanks and not the 1909 feet, more by Over Jardan Road to a wake. Containing 1.17 same, more or lass. sold land nave of themony of Apric E. Falono a concrete bound, fert by remaining famil of Edwil H. Hargess to a concrete hound RAMESTE STATE OF THE PARTY OF T nantheasterly coince or land now or farmerly of Louis B. Hewitt Beginning at a some bound in the southedy line of over Jordan Rood of the Parcel #2 - 15 Over Jonian Rose (275.68) feet by remaining land of Fidel H. Burgess in a concrete bound feet by remaining facil of Libel 11. Burgess to a soncrete burner September 1. Plan, Water R. Rowley, superson, searched with the same below wear ligh seater nurl read known as treat seek Road in common with where throng a like right. repuss in ond over soud over honton Road between will present and the public (117.65) teer by said and of Hassir to the point of beginning. sald had of Howix to a coeffee laund, and a, they by the waters of Shell Foun Bay to said had now or founcily of Lonio B All of the courses, distances and bounds invaligned in the foregoing Said puezel 2 is subject to any une all public rights legally existing in and over Both said parcels are hereby conveyed togother with the right to pass and (20) White this was a sent of an independent for a continue for the second thereographics to the north 257, 28, 111, 1991's orbits and 28, 120 (20, 13) for thence South 34" 30" 10" East, one hundred seventy-live and 28:180 thence North 50° 14' 00° East, sixty-eight and 10'100 (68.40) feet by thence North 4" 15-20" West, two hundred eight and 38/100 (208-18) thence Smith 107 56 30" West, fifty-time and 3 59 00 (29.87) feet by theree South 27: 36:30" West, eighte-two and 75/189 (83.78) less by said land of , uther with welfers, two furthed seventy and my loot 1270.03 feet, more thence North 77 03' 30" West, one hundred seventeen and 65' 100 Harveer Smith 62" SS 30" West, savenly-five and no. 160 (75 0) feet name or leas, in a three for 18 - 7 00° End citing-incommontative (ES.72) Feet thence "week do not him the sweeting that his till there South 85° 15'00" fast, two hundred scenery-five and 08'140 Coalunug 1 21 acres, more or less. 100 mg 13/20 3450 The second second THE PERSON NAMED IN 1988 MMEZD ann i F Y 7

Wareham, August 1, 1955. Newell B. Snow, Enge," [not found of record]. Wenning and intending to describe and convey that purcel conveyed to Sabestine Volge and Ethel. Velge by deed duted August 3, 1955 and recorded in the Plymouth County Registry of Discuss at Book 2438 page 29 EXITITION THERETROM that contin parcel of large conveyed by Part.	d to Neck,	North 10° 40: 50° 10. State of womaning non-tree courses or a learner of the following the state of the state	South 12 12 40 Carl of the two sensiting and of times of the gress to a "South 12 12 the two sensiting land of Ethel H. Burguss to a lound, thence I have the control of th	South 50° 54' 18' Will will 98 feel Wronged Robert to a beneated, thence South 45'-49' 50' Local 10' No sees by remaining land of Richel H. See The South Associated a bounds themps	nt bound, thence	South 45° 15' 101' West 70 feet by land of Morray to a bound; thence North 32° 14' 30" West 173.00 feet by land of Morray to a bound; thence North 36" 68' 25" East 122.00 feet by land of Morray to a source bound at the southerly correr of land of Roth 5. Bullock, thence North 10" 50' 70" West 61.21 feet by said Bullock land to a coment hound; thence	Company: theness is a straight forchy increase to fee, in a straight fine by for a straight line by final of the a bound at land of Marray.

7 185 185 200 100 7 -7 100 (10) 100 (10) 100 (10) 100 (10) 100 (10) Verteal book relation under the will see that a Vertein Franchial Barring in Denrich, threat Presented 10, 1992, months of Seek 1757, Page 777, and મી એક ઇન્ટ્રનાક્રક્સ કિલાઇમ ઇસ્સાન્ક્રુપ્ટર્સ, તાલ્ટી મેદાન્ટ્રહ રાહાનોમુદ્દ Propared by Overlook Development Co. Land Surveying Services 750 Resign No.1, Kined Natiribeauscit, R.I. 02882," recurred as Plan 9/32 of 1991, in the fand situated in Wareham, Phythoath County, Messachusenc, described as follows Pin Bruk 15, Page 673, and bounded and described as follows: N. & Margaret & Dermody Wareham, Mass, Source 17-28 July 11, 1992 shown as "Parcel" A "southfiring 4.735 square like of lands, more or less, as shown or a nich cutilled, "Approval Ver Required that Deaven for Feath S 63* *638." Why he land of Salamana Volping shown of Sand plan a designer of 39.98 feet the nex fitting said mening. a distance plot in heat or the pure of highlining. NAMESTATA Whetherman of some states and property shows on south plan होता by बाद sainer in a commune both करेंगे में हुई है, कि सम्बन्ध कामांगर करेंगे विकास S 18º 46' 60" Ety the land of Frank II & Margaret A Demicedoras shown on and pita for 70,00 feet to a concrete brankfield look, thence raining god parking Regioning at a concrete boundered have on the condinvestorly corner N 45° 12° (W). E by the land of Charles F. & Winshed G. Murray as showfor wid **a** yma C 34.55 (# All comments of the second The state of the s 2000 2000 2000 2000 7 1

) James 7 . enec. Section 1 (MO) Training Territory of Deads in Book 25.76 garge +38. The land high richair, Physicallic County, Massachusett, boar and and described as PARCEL'31 - 9 Shell-Lane revently conveyed to said Sabeatino Yolpe and Ethel E. Walpe by deed from known as Shore Road on or near Majerss Point at the southern corner of and (b) cws seconded in Bruk 1875 Page 16 new or throughly of heavyled and Margastic B. Heart Regarding at a content bound is the westerly stabilitie of a gravite way at land southorly share of Shall Point Cove, bounded and described as tollows North: from land of Windfield Correy recusived along said private way; theuse numing Mitthed Frat Ryan, said conserve bound being distant about 30 feet southerly Concern Region of Break at Lapak \$75 page to Volume and Child English by three languagement. The med recorded to the Phymosele Meaning and inlending to describe and participated buryer to excepted to Sabouline Burgass at far as the same is in funct and applificable thereto poster fients in Deed accorded in Brook 2575. Pagerdis. II. Burgass in the West of common with the boars and a Signa of stability of it You with the right of use the heat hedding on what are formely of Joseph 24 - 10 Shullance **Austrasi**s The land in Warcham, Plyreauth County, Massachusetts, seusted an the Regioning at a concrete bound in the austerly sections of a govern way thance North 16' Tel West, sixty-dear and 18thf0 (6) (6) feet by land hargers, a thence North 41° 55' East, ninety-loan and 29/10/04/24/24/ tectby filler land dience South 15" 10" East by said private was at the paint of Schillings garrane way, and farmerly of loseph H. Burgers to a coment of their the westerly sideline of Chillengers thence running South 38° AC West, pinety-nine and 65/100 (99.65) for leseph lit Kuryers to a cerneat bound; by said Heard land to a stone torand; क्षात्राम् क्षात्रात्रात्रात्रात्रात्रात्रात्रात्रा 21" at 100" West 27.63 ther by said private private way, and thence or less by rumaining had of Kahel H. Magees as said a corner thence South 41° 00' 20" West 260 feet more 25 feet more see less by Shell Paint Cove to a point for 41° 06' 20" East 247 few more or less by said land mark of Shell Point Cove, thence bracily of Mildred Past Ryan to again fow water A CONTRACTOR OF THE PARTY OF TH 17 200 **F** y I COGEE Ĩ <u>DEL</u>

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EXHIBIT C



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

TJP Realty LLC 19 Over Jordan Rd Wareham, MA 02571

RE: 12 Over Jordan Rd

February 11, 2021

Map 20, Lot 1017/A

I have reviewed your permit application to construct a new single family dwelling on the parcel of land known as 12 Over Jordan Road, in Wareham Massachusetts. The proposal is not in compliance with current zoning regulations and must be denied at this time.

You are proposing to construct a new single family dwelling where a single family structure recently existed. The dwelling was situated on the nonconforming parcel and was razed prematurely without the proper approvals in place. This activated the Mass Merger Doctrine, and created a land merger with the adjacent parcel in common ownership. A <u>variance</u> will have to be secured from the Zoning Board of Appeals in order to fracture the merger, and to allow construction to continue on the undersized parcel. If you are successful in acquiring the variance to release the merger, you will then need to secure an additional <u>variance</u> for the non-conforming front yard setback.

The submitted permit application documents which include a site plan by G.A.F. Engineering labeled "Job no 19-9295" comprised of two pages dated February 6, 2020, are being denied under the following sections of the Wareham Zoning By-law:

- Article 6, Table 621, Residential Districts: Lots in the R-60 zoning district require a minimum of 60,000 square feet and 180' of frontage. A <u>Variance</u> from the Zoning Board of Appeals is required in order to break the land merger and to allow construction on the parcel.
- Article 6, Section 621, Residential Districts: New structures in the R-60 Zoning District are required to maintain a minimum 60' front yard setback. Your proposed structure details a 31.2' front yard setback to the face of the structure but there is a new staircase proposed which is not detailed in the drawing. A <u>Variance</u> from the Zoning Board of Appeals must be granted in order to proceed with the proposed front yard setback.

The subject property is located in R-60 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 $40A \S \S 15$, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

EXHIBIT D