

Request for

VARIANCE OR SPECIAL PERMIT

to the

WAREHAM ZONING BOARD OF APPEALS

KIM & MARK ARON

84 Pinehurst Drive

**Pinehurst Beach
Wareham, MA**

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JC Engineering 2317-1 (4.27.23)
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Lockwood Architects 1343 A1z (5.5.23)



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:


- 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: 89 PINEHURST DR MAP: 46A1 LOT: D
ZONING DISTRICT: R30
USE REQUESTED: RESIDENTIAL
OWNER OF LAND & BUILDING: KIM & MARK ARON TEL.# 508.726.0707
ADDRESS OF OWNER: 357 MAIN ST. - UNIT A, NORTHBORO, MA 01532
PERSON(S) WHO WILL UTILIZE PERMIT: OWNER
ADDRESS: SAME
DATE: 5.23.2003 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**

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: **84 Pinehurst Drive**

Landowner Name: **Kim & Mark Aron**

Owner's Address: **357 Main St. – Unit A, Northboro, MA 01532**

Telephone Number: **508.726.8787**

Contact Person: **William H. Lockwood**

Telephone Number: **508.273.0111**

Map **46A 1** Lot **D**

Zone **R30**

Date Approved _____

Date Denied _____

Comments:



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul Turner
Director of Inspectional Services

May 17, 2023

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

RE: 84 Pinehurst Drive/ Map 46-A, Lot D

Mr. Lockwood,

I have reviewed your Building Permit application B-23-280, submitted May 6, 2023 proposing a 6' x 20.2' (329sf) second floor addition and a 6' x 20.2' (121.2sf) second floor deck located at 84 Pinehurst Drive, Wareham, Massachusetts. The proposed addition will be constructed in the side setbacks and to an increased height. The Floor Area Ratio of the entire structure will increase to 32.2%, over the allowed amount of 30%. I must deny your request at this time.

Your application is being denied under the following sections of the Wareham Zoning By-Laws:

Article 6: Density and Dimensional Regulations,

**628 Dimensional Standards for Existing Small Lots;
Category 1, side setback and Floor Area Ratio.**

Article 13 Zoning Protection,

1352 If the Building Official determines that a proposed addition, alteration, or extension to a lawfully non-conforming single or two family residential structure increases the non-conforming nature of the structure, a denial letter will be issued and the applicant must make application to the Board of Appeals for a new determination in order to proceed. If the Board of Appeals affirms the Building Officials decision, no such alteration or extension may occur unless the Board of Appeals issues a **Special Permit** for alteration or extension after finding that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing non-conformity. An addition, alteration, or extension that increases the non-conforming nature would include but not be limited to:

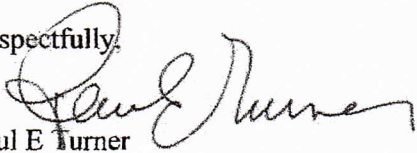
1. A non-conforming structure built in the same footprint to an increased height.

1353 An addition, alteration, extension, or structural change 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**.

Therefore, a **Special Permit** and or a **Variance** must be secured from the Zoning Board of Appeals in order to proceed with your application.

The subject dwelling is located in **MR-30** zoning district.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul E. Turner". The signature is written in a cursive style with a large initial "P".

Paul E Turner
Building Commissioner
Zoning Enforcement Officer

It is the owners' responsibility to check with other departments 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: **KIM & MARK ARON**
84 Pinehurst Drive
Map 46A-1, Lot D

SITE DESCRIPTION

The subject property is located in the Pinehurst section of Wareham in an R30 residential zone. The property abuts the Wareham River and is located in an AE16 flood zone. The lot is about 4374 square feet which is about 15% of the 30,000 sf prescribed by the zone. The lot is wedge shaped with only 17' of frontage.

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

PROJECT DESCRIPTION

A second floor Master Bedroom with small deck addition is proposed. One of the two first floor bedrooms will be converted to a home office.

REASONS FOR GRANTING THE VARIANCE/SPECIAL PERMIT

Relief is being sought from the (north) side setback to allow construction of the second floor addition. The (pre)existing non-conforming structure is only 4.2 feet off that property line at its least, and 6.5 feet at the closest point of the addition. The addition will be constructed entirely above the existing structure. Construction would occur in the setback, but it would not increase the existing non-conformity.

Relief is sought from the Floor Area Ratio (FAR) requirement of 30% to allow an increase from the existing condition of 24.6% to a proposed condition of 32.2%. Although this creates an apparent new non-conformity, it is felt that the 95 square foot excess area is of little concern. If the project were able to be constructed as a "dormer" it would be in fact a "By Right" project under the "De Minimis" rules of Section 1392.1 which allows up to 400 square feet. The only difference being that this project rises above the existing ridgeline. Although making the building higher, it does not violate the height requirement, and does not block views from any of the adjacent properties.

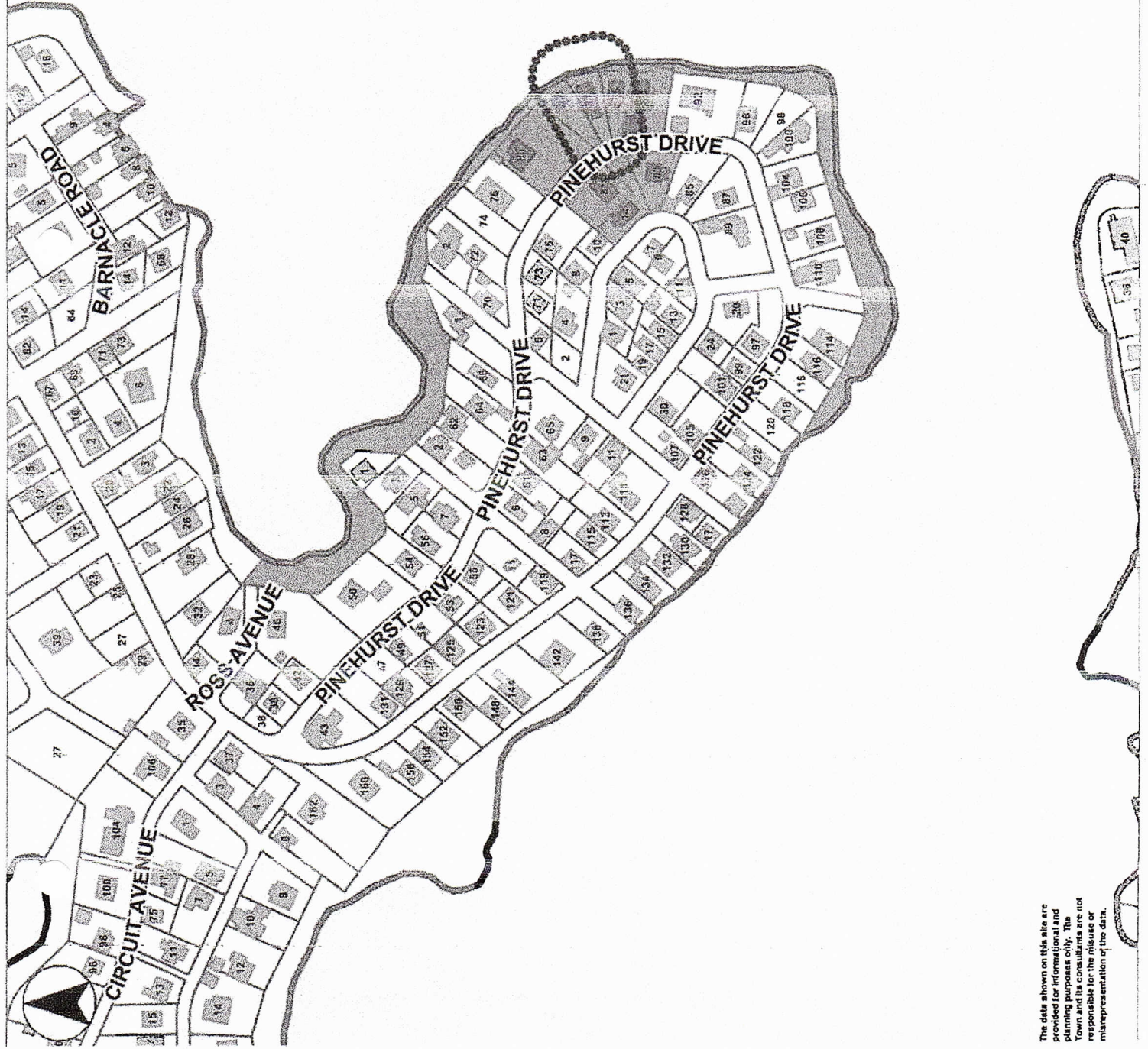
The petitioner has long ties to Wareham through his father who has a house in the Robinwood neighborhood. The petitioner himself intends to spend increasing amounts of time on this property and this project will allow a more beneficial usage of the property. It is felt that these proposed improvements 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 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	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 46/A-1 LOT D 300'						
OWNER MARK + KIMBERLY ARON						
46/A-1-1000	PINEHURST BEACH ASSOCIATION		PO BOX 256	WAREHAM	MA	02571
46/A-1-121/B	FERGUSON ZACHARY		14 WOODLAND CIR	WAREHAM	MA	02571
46/A-1-121/A	MULLER YVONNE P		91 PINEHURST DR	WAREHAM	MA	02571
46/A-1-120	SMITH TIMOTHY S C	SMITH CHRISTINE M	83 PINEHURST DR	WAREHAM	MA	02571
46/A-1-34/B	PEAVEY ROBERT J JR	PEAVEY ROSANNA M	80 PINEHURST DR	WAREHAM	MA	02571
46/A-1/C	ROMANUS FAMILY REV TRUST	PAUL & ANDREA ROMANUS TRUSTEES	3 DURHAM ST	NASHUA	NH	03063
46/A-1-39	LAURIE MAUREEN	CROCKER JOHN F	88 PINEHURST DR	WAREHAM	MA	02571
46/A-1/D	ARON MARK	ARON KIMBERLY	84 PINEHURST DR	WAREHAM	MA	02571
46/A-1/E	MUNROE DAVID	MUNROE MAXINE R	86 PINEHURST DR	WAREHAM	MA	02571
CERTIFIED ABUTTERS AS THEY APPEAR						
ON OUR TAX ROLLS AS OF 11/8/2022						
<i>By Rosa Aron</i>						
ASSESSORS OFFICE						
REQUESTED BY						
BILL LOCKWOOD						
508 273-0111						
LOCKWOODARCH@GMAIL.COM						

- MA Places
 - Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Buildings
- Parcels
- Town Boundary
- MA Highways
 - Interstate
 - US Highway
 - Numbered Road
- Streets
- Bathymetry
 - 0-5 ft
 - 5-10 ft
 - 10-15 ft
 - 15-20 ft
 - 20-30 ft
 - 30-40 ft
 - 40-50 ft
 - 50-60 ft
 - 60-70 ft
 - 70+ ft
- Abutting Town Labels
- Abutting Towns



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.

320

640 ft

Printed on 11/08/2022 at 11:17 AM

84 PINEHURST DR

Location 84 PINEHURST DR

Mblu 46/A 1/ /D /

Acct#

Owner HUGHES KATHLEEN M
TRUSTEE OF

Assessment \$393,600

Appraisal \$393,600

PID 5715

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$160,500	\$233,100	\$393,600

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$160,500	\$233,100	\$393,600

Owner of Record

Owner HUGHES KATHLEEN M TRUSTEE OF
Co-Owner 84 PINEHURST DRIVE REALTY TRUST
Address 209 N KNOLL RD
SOUTHERN PINES, NC 28374

Sale Price \$1
Certificate
Book & Page 40685/0072
Sale Date 12/06/2011
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HUGHES KATHLEEN M TRUSTEE OF	\$1		40685/0072	1A	12/06/2011
HUGHES KATHLEEN M	\$230,000		40483/0243	UNKQ	10/25/2011
DONLON ROBERT J & JANE M	\$1		3810/0101		01/01/1901

Building Information

Building 1 : Section 1

Year Built: 1940
Living Area: 1,078
Replacement Cost: \$214,020

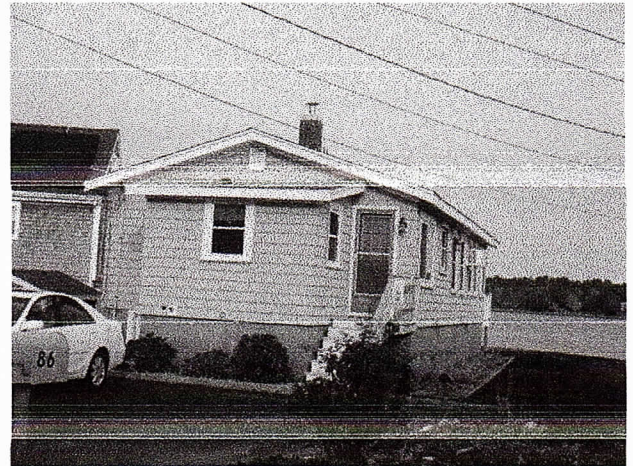
Building Percent Good: 75

Replacement Cost

Less Depreciation: \$160,500

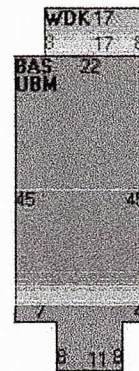
Building Attributes	
Field	Description
Style:	Ranch
Model	Residential
Grade:	Ave
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	K Pine/Bead Bd
Interior Wall 2	Panel
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	Vinyl Tile
Heat Fuel	Gas
Heat Type:	Forced Hot Air
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	6 Rooms
Bath Style:	Modern
Kitchen Style:	Average
# of Fireplaces	1
Fireplace Type	01
Finish Bsmt SF	
Fin Bsmt Quali	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(https://images.vgsi.com/photos2/WarehamMAPhotos/A0058\IMG_1506_5)

Building Layout



(https://images.vgsi.com/photos2/WarehamMAPhotos/Sketches/5715_571)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,078	1,078
UBM	Basement Unfin	1,078	0
WDK	Deck, Wood	136	0
		2,292	1,078

ra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAMILY
Zone R30
Neighborhood 0060
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.10
Frontage 0
Depth 0
Assessed Value \$233,100
Appraised Value \$233,100

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$160,500	\$233,100	\$393,600
2021	\$153,100	\$233,100	\$386,200
2020	\$140,700	\$233,100	\$373,800

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$160,500	\$233,100	\$393,600
2021	\$153,100	\$233,100	\$386,200
2020	\$140,700	\$233,100	\$373,800

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 02/07/2022 01:32 PM
Ctrl# 154274 17151

QUITCLAIM DEED Fee: \$2,736.00 Cons: \$599,999.00

Kathleen M. Hughes, as Trustee of the 84 Pinehurst Drive Realty Trust under Declaration of Trust dated October 31, 2011, a certificate for which is recorded simultaneously herewith, of Wareham, Massachusetts

for and in consideration paid of Five Hundred Ninety Nine Thousand Nine Hundred and Ninety Nine and 00/100 (\$599,999.00) Dollars, hereby grants to

Mark Aron and Kimberly Aron, aka Kimberly Tapply, husband and wife, tenants by the entirety, of 84 Pinehurst Drive, Wareham, MA

WITH QUITCLAIM COVENANTS

That land in Wareham, Plymouth County, Massachusetts with the buildings thereon, being Lot D as shown on "Plan of Redivision of Lots #37 and 38, Pinehurst Beach, Hayward and Hayward Civil Engineers" recorded with the Plymouth County Registry of Deeds in Plan Book 3, Page 868.

WESTERLY by Pinehurst Drive, seventeen (17) feet;

NORTHWESTERLY by Lot C as shown on said plan one hundred fifteen (115) feet more or less;

NORTHEASTERLY by the Wareham River, thirty and 80/100 (30.80) feet; and

SOUTHEASTERLY by said Wareham River, twenty-seven (27) feet;

SOUTHERLY by Lot E on said plan, one hundred twelve and 50/100 (112.50) feet more or less.

The Grantor by execution below hereby releases any and all homestead rights in the property and hereby declares under the pains and penalties of perjury that no other person is entitled to protection under Massachusetts General Laws Chapter 188.

Meaning and intending to convey the same premises as conveyed to the Grantor by Deed recorded with the Plymouth County Registry of Deeds in Book 40685, Page 72. For further description see Lot D shown on Plan recorded at said Registry of Deeds at Plan Book 57, Pages 293 and 294.

Property Address: 84 Pinehurst Drive, Wareham, MA 02571

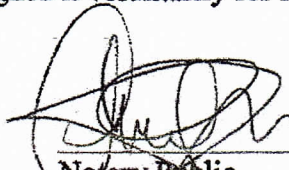
Witness my hand and seal this 29 day of January, 2022.

Kathleen M. Hughes, Trustee
Kathleen M. Hughes, Trustee

COMMONWEALTH OF MASSACHUSETTS

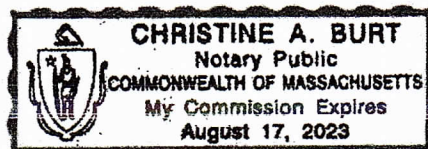
PLYMOUTH, SS

On this 29th day of January, 2022, before me the undersigned notary public, personally appeared Kathleen M. Hughes, Trustee as aforesaid and proved to me through satisfactory evidence of identification, which was driver's licenses, to be the persons whose names are signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose as her free act and deed.



Notary Public

My commission expires:

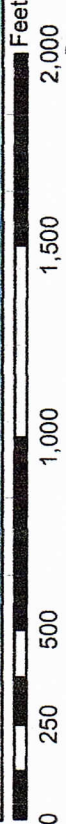
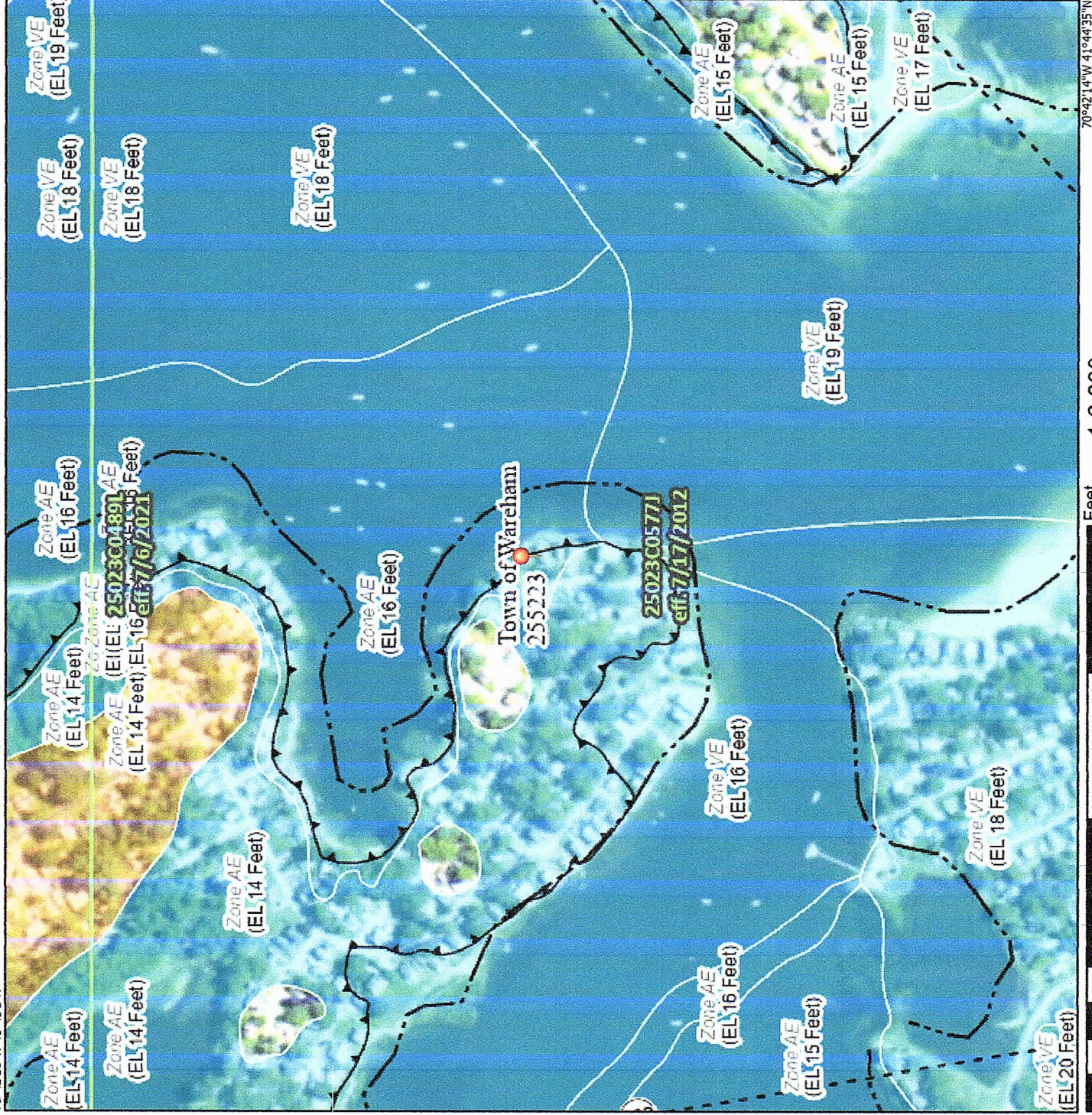




Nation's Flood Hazard Layer FIRMette



70°42'51"W 41°45'2"N



70°42'14"W 41°44'35"N

Basemap: USGS National Map. OrthoImagery. Data refreshed October 2020

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

CROSS SECTIONS

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.8 Coastal Transect
- 8 Base Flood Elevation Line (BFE)
- 31 Limit of Study

OTHER FEATURES

- 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 6/21/2022 at 2:43 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.

EXISTING HOUSE PHOTO



EXISTING VIEW FROM STREET (WEST)

WAREHAM ZONING BOARD OF APPEALS
KIM & MARK ARON
84 Pinehurst Drive