SPECIAL PERMIT APPLICATION

TOWN OF WAREHAM ZONING BOARD OF APPEALS

13 Tarpaulin Way Wareham, MA 02571

October 2, 2023

PREPARED FOR:

Brett Bussiere 7 Peter Cooper Drive Wareham, MA 02571

PREPARED BY:



JC ENGINEERING, Inc. Civil & Environmental Engineering

2854 Cranberry Highway East Wareham, Massachusetts 02538 Ph. 508-273-0377 – Fax 508-273-0377



JC ENGINEERING, Inc.

Civil & Environmental Engineering

2854 Cranberry Highway East Wareham, Massachusetts 02538 Ph. 508-273-0377 – Fax 508-273-0367

October 3, 2023

Town of Wareham Zoning Board of Appeals Memorial Town Hall 54 Marion Road Wareham, MA 02571

RE: Special Permit Application for 13 Tarpaulin Way, Wareham, MA

Dear Board Members,

On behalf of the applicant, Brett Bussiere, and property owner, Tarpaulin Nominee Trust, please find enclosed a Special Permit Application accompanied by supporting design drawing entitled "Proposed Site Plan located at 13 Tarpaulin Way, Wareham, MA" dated July 14, 2023 (Plan) for your review and approval. This property is shown as Lot 45 on Assessor's Map 30. The existing property contains a 1-story, single-family dwelling built around 1986 according to the Wareham Assessor's records. The setback requirements in effect at the time of the original construction was 20 feet front, 10 feet side and 10 feet rear, while the current setback requirements are 60 feet front, 20 feet side, and 20 feet rear. The existing dwelling has a front setback that is less than 60 feet, therefore, the existing dwelling is considered non-conforming. The applicant would like to construct a second story above the footprint of the existing dwelling as well as construct a one-story addition with porch to the right side of the existing dwelling. A detached garage is also planned, but that will be filed under a separate building permit. In accordance with the determination issued by the Building Commissioner, a Special Permit would be required for the construction of these additions to the existing dwelling.

Zoning Requirements

The property is located in the R60 Zoning District. The proposed additions will be located on the property that are no closer to the front property line than the existing dwelling, but will be within the 60' front setback requirement of this zoning district. Below is a list of the various zoning requirements that are applicable to this project.

- In accordance with Article 6, Table 621, the minimum front setback in the R60 Zoning District is 60 feet. The existing front setback is 40.7 feet and the proposed front setback for the side addition is 47.7 feet. Therefore, a <u>Special Permit</u> is required.
- In accordance with Article 13, Section 1352, a <u>Special Permit</u> will be required to increase the height of a non-conforming structure on the same footprint. A full second story is proposed over the existing footprint that currently lacks an adequate front setback.

As outlined in Section 1355 of the Wareham Zoning Bylaws, the Board of Appeals shall find that the altered structure will not be substantially more detrimental to the neighborhood than the existing structure, will not cause undue nuisance or congestion to the neighborhood, nor create any new non-conformities. For the following reasons, we feel that the construction of these additions will neither substantially increase the nonconforming nature of the structure, nor be substantially more detrimental to the neighborhood.

- The construction of a second floor will be consistent with existing houses in the same neighborhood. As can be seen on the pictures attached to this application, both abutter dwelling contain a second floor.
- The proposed additions will increase the width of the structure, but the side setbacks to the new addition will be greater than the minimum requirement of 20 feet.
- The proposed additions will increase the height of the structure, but the total height will be less than the maximum requirement of 35 feet.
- There will be no increase in traffic or noise to the neighborhood, as this dwelling is currently a single-family dwelling and will remain a single-family dwelling. The typical traffic from a single-family dwelling will remain the same.

For the reasons stated above, we would appreciate your favorable vote on a Special Permit for the construction of the additions proposed with this application, which is under the purview of this board.

Respectfully yours,

Bradley M. Bertolo, EIT, CSE

Bradley Bertolo

Project Engineer

Cc: Brett Bussiere

Tarpaulin Nominee Trust





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.
- 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 \$100.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 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: 13 TARPAULIN V	<u>VAY</u> <u>LOT: 45</u> <u>MAP: 30</u>
ZONING DISTRICT: R60	
USE REQUESTED: SINGLE FAMILY DWI	LLING
OWNER OF LAND & BUILDING:	TARPAULIN NOMINEE TRUST TEL.#
ADDRESS OF OWNER: 12 PIONEER O	
PERSON(S) WHO WILL UTILIZE I	PERMIT: BRETT BUSSIERE
ADDRESS: 7 PETER COOPER DRIVE, WAR	REHAM, MA 02571
DATE: <u>9-29-23</u> SIGNA	ATURE: Brest Serves
This application was received on the date st	
Town Clerk:	Date:
Tax Collector:	
Planning/Zoning Dept.:	Date:
Application fee paid:(Check #:Receipt:
Advertising fee paid:(Theck #Receipt:
	heck # Receipt:

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENATIVE INFORMATION SHEET

Check Applicable: _	Variance _	Special Po	ermit X	Site Pla	ınAppeal
Date stamped in:		Date	edecision	is due	
Applicant's Name: _	Brett Bussiere				
Applicant's Address:	7 Peter Cooper	Drive, Wareha	am, MA 0	2571	
Telephone Number:					
Cell Phone Number:	508-776-7185				
Email Address: bre	ettbussiere@aol.co	om			
Address of Property/I	Project: 13 Tarp	aulin Way			
Landowner's Name:	Tarpaulin Nomir	nee Trust			
Owner's Address:	12 Pioneer Circle,	Andover, MA	01810		
Telephone Number:					
Contact Person: Brace	dley Bertolo,JC Er	ngineering Inc	Telephon	e Number:	508-273-0377
Map 30	Lot	45	Zor	ne R60	
Date Approved		D	ate Denie	d	
Comments:					

TAX VERIFICATION FORM

This verifies that	Brett Bussiere	(name of applicant) is up
to-date on the taxes for	the property(ies) he/she owns	in Wareham. If the applicant is no
		ion addresses, the current owner of property owner) is up-to-dat
on taxes and on all prop	erties he/she owns in the Town	of Wareham.
13 Tarpaulin Way	A	Assessors Map 30, Lot 45
Danutu C John Foster, Tax Collecto	ambola	



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul Turner Director of Inspectional Services

September 27, 2023

Mr. Brett Bussiere 7 Peter Cooper Drive Wareham, Massachusetts 02571

RE: 13 Tarpaulin way / Map 30, Lot 45

Mr. Bussiere,

I have reviewed your Building Permit application B-23-589, submitted September 25, 2023 with a description of work stating "construct a second floor above the existing home, new doors and windows and a 16'x24' addition" located at 13 Tarpaulin Way, Wareham, Massachusetts. The proposed project will be encroaching the front set back and the second floor addition will be intensifying a lawfully, pre-existing, nonconforming structure due to increased height. At this time I must deny your request.

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

Article 6: Density and Dimensional Regulations,

Section 620 Table of Dimensional Regulations, Section 621 Residential Districts, R-60, Front Setback, minimum, in feet: 60

The existing front setback is 40.7, the proposed front set back is 47.7, and therefore a **Special Permit** will be required for relief.

Article 13: Zoning Protection,

Section 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-conformity 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 Official's 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-conformity nature would include but not be limited to:

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

Section 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** 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 R-60 zoning district.

Respectfully

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.

13 TARPAULIN WAY

Location 13 TARPAULIN WAY Mblu 30/ / 45/ /

Acct# Owner WALSH TIMOTHY A TRUSTEE

Assessment \$336,300 **Appraisal** \$336,300

PID 4293 Building Count 1

Current Value

	Appraisal		
Valuation Year	Improvements	Land	Total
2023	\$218,800	\$117,500	\$336,300
	Assessment		
Valuation Year	Improvements	Land	Total
2023	\$218,800	\$117,500	\$336,300

Owner of Record

OwnerWALSH TIMOTHY A TRUSTEESale Price\$350,000

Co-Owner TARPAULIN NOMINEE TRUST Certificate

 Address
 12 PIONEER CIR
 Book & Page
 53830/229

 ANDOVER, MA 01810
 Sale Date
 11/16/2020

Instrument 00

Ownership History

	Owne	ership History			
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WALSH TIMOTHY A TRUSTEE	\$350,000		53830/229	00	11/16/2020
CAREY RICHARD A	\$1		49622/0185	1A	03/26/2018
CAREY RICHARD A	\$1		45245/0110	1A	02/20/2015
CAREY HARRY R TRUSTEE OF	\$0		12677/0202	1F	02/22/1994
CAREY HARRY R	\$0		/0		

Building Information

Building 1 : Section 1

 Year Built:
 1986

 Living Area:
 1,008

 Replacement Cost:
 \$260,475

Building Percent Good: 8

Replacement Cost

Less Depreciation: \$218,800

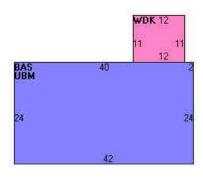
Building At	tributes
Field	Description
Style:	Ranch
Model	Residential
Grade:	Ave
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Electric
Heat Type:	Electric
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	5 Rooms
Bath Style:	Average
Kitchen Style:	Average
# of Fireplaces	
Fireplace Type	
Finish Bsmt SF	
Fin Bsmt Qual	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(https://images.vgsi.com/photos2/WarehamMAPhotos//\00\05\53\02.jpg)

Building Layout



 $(https://images.vgsi.com/photos2/WarehamMAPhotos//Sketches/4293_42 \S$

	Building Sub-Areas (so	q ft)	<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	1,008	1,008
UBM	Basement Unfin	1,008	0
WDK	Deck, Wood	132	0
		2,148	1,008

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use Land Line Valuation

Use Code 1010

Description SINGLE FAMILY

Zone R60 Neighborhood 0800 Alt Land Appr No

Category

Size (Acres) 0.69 0 Frontage Depth 0

Assessed Value \$117,500 Appraised Value \$117,500

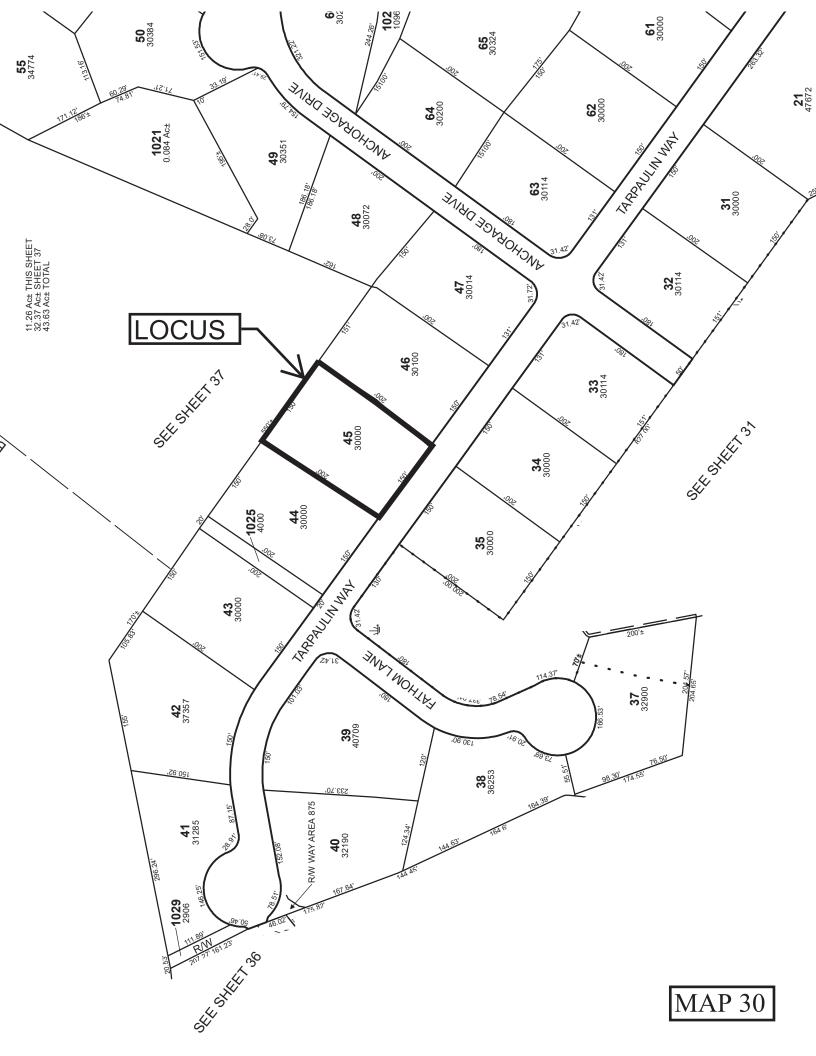
Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

	Appraisal		
Valuation Year	Improvements	Land	Total
2023	\$218,800	\$117,500	\$336,300
2022	\$175,000	\$117,500	\$292,500
2021	\$166,800	\$117,500	\$284,300

	Assessment		
Valuation Year	Improvements	Land	Total
2023	\$218,800	\$117,500	\$336,300
2022	\$175,000	\$117,500	\$292,500
2021	\$166,800	\$117,500	\$284,300



*** Electronic Recording ***

Doc#: 00113231

Bk: 53830 Pg: 229 Page: 1 of 4Recorded: 11/16/2020 03:50 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX Plymouth District ROD #11 001 Date: 11/16/2020 03:50 PM

Ctrl# 140806 32380

Fee: \$1,596.00 Cons: \$350,000.00

QUITCLAIM DEED

WE, *Richard A. Carey and Rachel M. Carey*, a married couple, of 46 Cross Street, Middleboro, Massachusetts;

For consideration paid and in full consideration of THREE HUNDRED FIFTY THOUSAND AND 00/100 (\$350,000,00) DOLLARS.

hereby grant to *Timothy A. Walsh, Trustee of the Tarpaulin Nominee Trust u/d/t dated November 16, 2020*, of 13 Tarpaulin Way, Wareham, Massachusetts,

with Quitclaim Covenants

That certain parcel of land, together with the buildings thereon, if any, situate on the Northeasterly side of Tarpaulin Way, Wareham, Plymouth County, Massachusetts and being more particularly shown as Lot 45 on Sheet 4 of plan entitled "Plan of Lots, Little Harbor Estates, Wareham, Massachusetts", formerly owned by Robert L. Pitman, dated January 7, 1972, by Walter E. Rowely & Associates, Inc., West Wareham, Massachusetts, recorded with Plymouth Registry of Deeds. in Plan Book 16, Page 876, bounded and described as follows:

NORTHWESTERLY by Lot 44, 200.00 feet, as shown on said plan;

NORTHEASTERLY by land now or formerly of The Nature Conservancy of

Massachusetts, Inc., 150.00 feet, as shown on said plan;

SOUTHEASTERLY by lot 46, 200.00 feet, as shown on said plan;

SOUTHWESTERLY by the line of Tarpaulin Way, 150.00 feet, as shown on said plan.

Said parcel contains 30,000 square feet of land, more or less, according to said plan.

Bk: 53830 Pg: 230

Said premises are conveyed subject to and with the benefit of rights, easements, agreements, reservations, and restrictions of record, if any, insofar as the same are now in force and applicable.

The Grantor hereby certifies that the property is not a homestead property, whether created by declaration or operation of law, and further state, under the pains and penalties of perjury, that there are no other persons including any spouse is entitled to homestead rights in the property being conveyed herein.

Meaning and intending to convey and hereby conveying the same property in a deed dated on March 20, 2018 and recorded at the Plymouth County Registry of Deeds on March 26, 2018 in Book 49622, Page 185.

(Remainder of Page Left Intentionally Blank)

Bk: 53830 Pg: 231

Signed as a sealed instrument under the pains and penalties of perjury this <u>6</u> day of November 2020.

Richard A. Carey

Commonwealth of Massachusetts

County of BARNSTAGE

On this ______ day of November, 2020, before me, the undersigned notary public, personally appeared *Richard A. Carey*, proved to me through satisfactory evidence of identification, which was _______, to be the person whose name is signed on the proceeding or attached document, and who acknowledged to me that they signed it voluntarily for its stated purpose as their free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

My commission expires: 3% अप

AFFIX

NOTARIAL.

SEAL:

Karl R. Hemr

Karl R. Hemr Notary Public COMMONYEALTH OF MASSACHUSETTS My Commission Expires 3-8-24

Bk: 53830 Pg: 232

Signed as a sealed instrument under the pains and penalties of perjury this _b_ day of November 2020.

Commonwealth of Massachusetts

County of BARNSTTABLE

On this _6 day of November, 2020, before me, the undersigned notary public, personally appeared Rachel M. Carey, proved to me through satisfactory evidence of identification, which was ______, to be the person whose name is signed on the proceeding or attached document, and who acknowledged to me that they signed it voluntarily for its stated purpose as their free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

My commission expires: 3 5 24

AFFIX

Karl R. Hernr

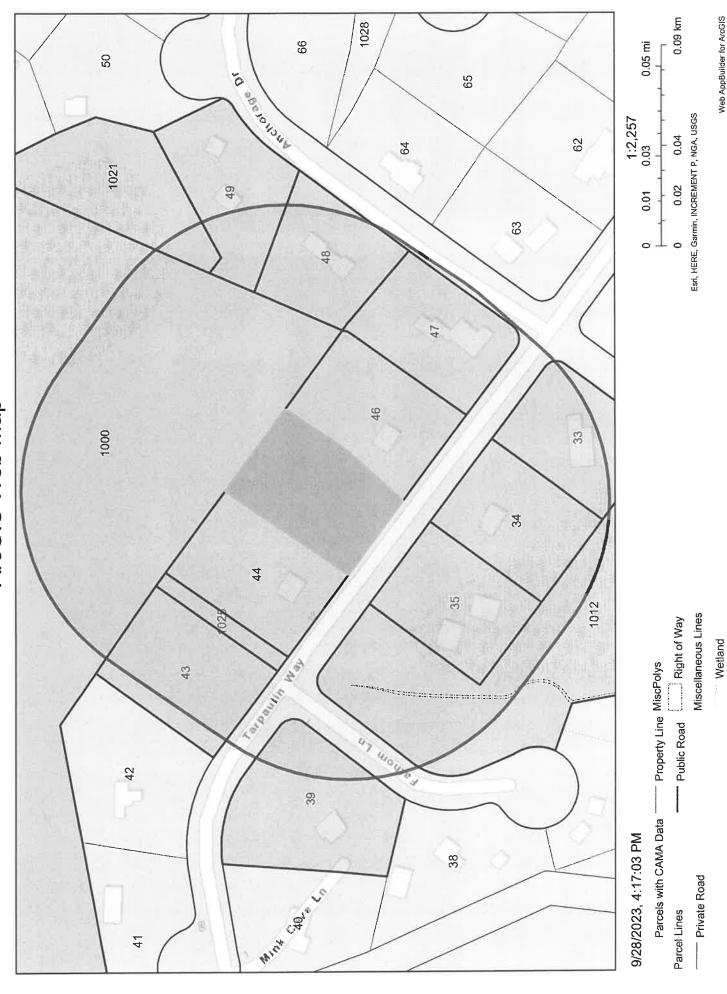
NOTARIAL

SEAL:

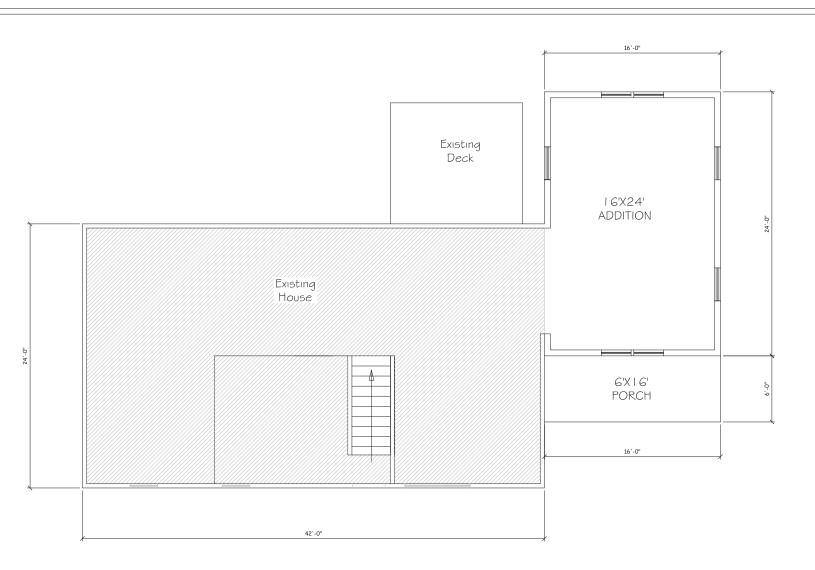
Karl R. Hem: Notary Public COMMONWEALTH OF MASSACHUSETTS My Commission Expires ვ-8∞24

TOWN OF W,	TOWN OF WAREHAM ABUTTERS			
MAP 30 LOT 45	45			
OWNERS TIN	OWNERS TIMOTHY WALSH TRUSTEE & TARPAULIN NOMINEE TRUST			
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
30-0-1021	WILDLANDS TRUST INC,	675 LONG POND RD,	PLYMOUTH, MA	02360
30-0-1025	NYMAN ROBERT M,	15 TARPAULIN WAY,	WAREHAM, MA	02571
30-0-33	LAGUE WAYNE P, LAGUE CHRISTY A TRUSTEES	8 TARPAULIN WAY,	WAREHAM, MA	02571
30-0-34	LISBON JOHN P, LISBON LORI A	10 TARPAULIN WAY,	WAREHAM, MA	02571
30-0-35	MCDERMOTT JOHN REDMOND,	12 TARPAULIN WAY,	WAREHAM, MA	02571
30-0-39	BORELLI NICOLE, BENDALL BRANDON	1 FATHOM LN,	WAREHAM, MA	02571
30-0-43	NYMAN ROBERT M ET UX, CHRISTENSEN JON E ET UX	15 TARPAULIN WAY,	WAREHAM, MA	02571
30-0-44	NYMAN ROBERT M, DORRY-NYMAN SUSAN	15 TARPAULIN WAY,	WAREHAM, MA	02571
30-0-45	WALSH TIMOTHY A TRUSTEE, TARPAULIN NOMINEE TRUST	12 PIONEER CIR	ANDOVER, MA	01810
30-0-46	LOPES ERIC,	11 TARPAULIN WAY	WAREHAM, MA	02571
30-0-47	VICINO KATHLEEN A LIFE ESTATE,	13 ANCHORAGE DR,	WAREHAM, MA	02571
30-0-48	HIGGINS ANGELA,	11 ANCHORAGE DR,	WAREHAM, MA	02571
30-0-49	ARGREW LEO C TUSTEE, ARGREW REV TRUST	9 ANCHORAGE DR,	WAREHAM, MA	02571
31-0-1012	COLES DAVID ET ALS, TRS LITTLE HARBOR EST TRUST II	C/O JAMES ARRUDA, 14 MARITIME DR	WAREHAM, MA	02571
CERTIFIED AI	CERTIFIED ABUTTERS AS THEY APPEAR			
ON OUR TAX	ON OUR TAX ROLLS AS OF 9/28/2023			
2/	nie Chims			
ASSESSORS OFFICE) FFICE			
REQUESTED BY	BY			
BRADLEY BE	BRADLEY BERTOLO JC ENGINEERING, INC.			
508 273-0377	77			
BBERTOLO@JCENG.ORG	J.CENG.ORG			

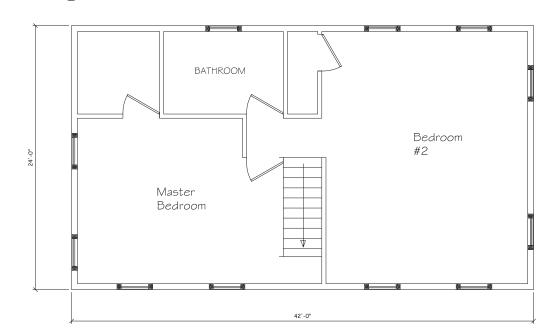
ArcGIS Web Map



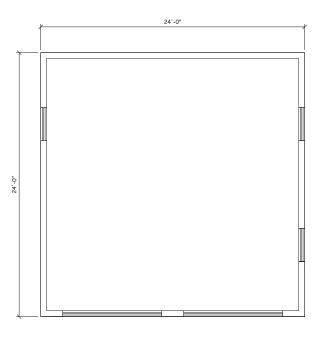
Web AppBuilder for ArcGIS Esri, HERE, Garmin, INCREMENT P, NGA, USGS | FEMA, MassGIS | MassDEP |



 $\underbrace{1}_{\mathcal{N}^* \in \mathcal{V} \text{-} 0^*} \underline{\text{EXISTING FIRST FLOOR LAYOUT SCHEMATIC}}$



PROPOSED SECOND FLOOR LAYOUT



ENGINEERING REVIEW AND CERTIFICATION REPORT

CHARLES W.MELLO P.E. CONSULTING ENGINEER 16 MECHANIC STREET MATTAPOISETT, MA 02739

CHARLES W. MELLO P.E. MASSACHUSETTS STRUCTURAL ENGINEER (LICENSE # 24374) CERTIFICATION REPORT DATED: AUGUST 18, 2023

FRAMING PLANS:
COASTAL STRUCTURES, LLC

13 TARPAULIN ROAD

(GARAGE AND ADDITION) WAREHAM, MA

FOR PERMIT AND CONSTRUCTION

DATE 8-14-23

PROJECT # 23-16

A-1



1 FRONT ELEVATION

NEW SECOND FLOOR

ENGINEERING REVIEW AND CERTIFICATION REPORT

CHARLES W.MELLO P.E. CONSULTING ENGINEER 16 MECHANIC STREET MATTAPOISETT, MA 02739

CHARLES W. MELLO P.E. MASSACHUSETTS STRUCTURAL ENGINEER (LICENSE # 24374) CERTIFICATION REPORT DATED: AUGUST 18, 2023

FRAMING COASTAL STRUCTURES, LLC

13 TARPAULIN ROAD WAREHAM, MA

(GARAGE AND ADDITION)

FOR PERMIT AND CONSTRUCTION

DATE 8-14-23

PROJECT # 23-16

A-2

