
MORTON LAW LLC

184 Main Street Wareham, Massachusetts 02571 · 508-681-2334

August 10, 2020

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

*Re: Attorney Opinion Letter in Support of the Petition for 14-20 Barbara Maloit c/o
Bachant Builders, Inc - Special Permit and/or Variance - 17 South Boulevard*

Dear Board:

I represent Ms. Maloit for the above application to construct a garage to her existing home located at 17 South Boulevard in the heart of Onset.

Background:

My client is a former Air Force Nurse who fell in love with the beauty of our town. She has written a statement to the Board which I hope you all have had a chance to read (attached here as Exhibit A). In it she describes her first look at her property 17 South Blvd. This magnificent Victorian which she has charmingly now named “Vicki” is an amazing display of architecture. The house itself posts a beautiful few of Onset beach as it is nestled right on the corner.

The lot itself is undersized like the majority of the lots in Onset Village Residential District (OV2), currently with a building coverage of 25.1 % and the Zoning requirements being 20%. Similarly, the Maximum Impervious coverage being 50% in this district but the existing on this lot being 51.7%.

My client is proposing to connect the garage to the main part of the home. The purpose of the garage on the second floor will be for a walk-in closet and a bathroom. Nothing more. On the revised plan, I draw your attention to 2. Current Zoning. The proposed build does add to the already pre-existing non-conforming nature of the maximum build coverage. Our proposal would go from the current existing dwelling and shed at 25.1% coverage to 29% with the dwelling and attached garage.

Secondly per the Denial Letter from the Building Commissioner (see Exhibit B), the original plans my clients submitted had a paver cement driveway, so the Commission advised a Variance was needed for the Maximum Impervious Surface coverage. To rectify that issue, my client revised her plans with her engineer to change the driveway to a top of the line pervious driveway this will allow for proper drainage and deem that Variance irrelevant as it actually will minimize the Impervious surface on the property from 51.7% to 36.0%. (See exhibit C).

But going back to the first issue and understanding that the project does not meet those standards for maximum building coverage my client submits relief in the form of a Variance.

The Statutory requirements are met:

We are seeking a Variance as Maximum Building Coverage per of the Wareham Zoning Bylaw Resident Table OV2 which is set for 20% coverage to go to 29% coverage to allow for the shed

to be removed and a connected garage to be constructed. I submit my analysis of reviewing this property under that criteria for Variance as laid out in the Towns Bylaws.

1. **Unique nature of the Lot:** This lot is unique in that it has an odd triangular shape and is at the corner of road between Pleasant Ave and South Boulevard. (See exhibit D Site Plan). Its only abutter is behind it 15 South Boulevard. This abutter is Ms. Salvadore Fantoni. (Please see her letter of asset in support of the project along in Exhibit E). Ms. Salvadore Fantoni describes in her letter that “ The addition of the attached garage shall not obstruct any of my views and will only maintain our property values or increase them.” As we discussed, this water view home lends itself to the view of Onset and the beauty of our town. Ms. Maloit does not currently have a garage which I would argue being exposed to the waterfront of Onset, salt, wind, and the elements is a necessity. Being that the lot is already undersized by removing the shed and replacing the garage this would allow for her store her car there. Ms. Maloit is a grandmother with 5 grandchildren with 2 adult children of her own. This garage would then allow if she had company two additional spots for those visitors. The lots in this section of Onset are very small and in order to keep the profile of the house and not obstruct anyone of her abutters views, my client will remove the shed and place the garage there flush with the sidewalk.
2. **Hardship to the Petitioner if Literal Enforcement of the By-Laws:** If my client is denied the Variance she is seeking then, she will be without a garage and a second bathroom as currently there is only one on the property. As discussed, the garage would actually allow for a third parking space that is covered in addition to two available off street parking spaces for her to enjoy the beauty of Onset with her loved ones.

3. **Desired relief should be granted without Substantial Detriment to the public good:**

The property sits on the hill overlooking one of the most majestic parts of Wareham. My client has taken into account the integrity of the neighborhood. She has received numerous letters in support of the plans. I'd like to read into record one of the abutters letters of support. (See Exhibit E "Kat Jones letter)

4. **No Derogation from the intent or purpose of such Ordinance or by-law:**

The purpose of the By-Law is clearly laid out in Article 1 Section 130 of which includes "to preserve and increase amenities by the promulgation of regulations to fulfill said objectives". The approval of this project would provide a homeowner to build a much needed garage and update a historical home which desperately needs it as well as keep the integrity of the neighborhood. Keeping in harmony with our towns bylaws and the nature of the builders design and vision, this project would be of value to Wareham.

All things considered allowing this Variance would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law. I'd like to end with quote from one of the abutters letter:

" When "Barbara told me she was adding a garage and a bathroom, I could not be more happy for her. Not only will the value of her home go up, the value of other homes in the area will go up, increasing the investment in our community. We need more people like Barbara who are choosing Wareham as truly being "Better Before the Bridges". (See Letter from Ryan Ruggiero- Exhibit E).

Respectfully submitted,

By _____

Jilian A. Morton, Esq.

A

Barbara Maloit
16 Prince Rogers Way
Marshfield, MA. 02050

August 5, 2020

Wareham Zoning Board of Appeals
54 Marion Road
Wareham, MA. 02571

Re: Petition #14-20 for special permit/Variance for proposal to construct a garage to the existing dwelling at 17 South Blvd. Wareham/Onset, MA.

August 5, 2020

To whom it may concern,

My late husband and I had long dreamed of owning a home by the ocean. Sadly he succumbed unexpectedly to a Cardiac Arrest in Jan. 2015 and lingered in a coma for 6 months before passing away surrounded by his family, that really never left his side for those 6 months.

We began our life together when we met in Spokane, Washington at Fairchild Air Force Base in 1976 and married in 1977. He was a USAF combat pilot flying F-4 Phantoms in Vietnam and then KC-135 refuelers, when I met him, and I was in the Air Force Nurse Corps. We had a wonderful life in Marshfield for over 30 years (after leaving the Air Force) in a large home filled with friends and family. Now five years post his demise I find the house is too large and the yard, house and pool upkeep more than I can manage as I age, at 65 and head toward 70.

I have been looking for a smaller home with a manageable yard near water, to spend my remaining years, for some time now without success. Until one day last September 2019, I was touring my cousin, from Pennsylvania, and her (now deceased) husband (who was a WW2 Mariner) around Onset, a lovely seaside community that I only became aware of last summer. I fell in love with the town and thought they might enjoy seeing the canal, and the bridges and the charming community since he had been a Mariner and they live in a landlocked town in the coal mining section of Pennsylvania.

As we drove around I decided to turn left at the Post Office from Onset Ave. and head toward Shell Point Beach. I did not realize that as Pleasant Street ends and continues on onto South Blvd. it becomes One Way. I went right past #17 So. Blvd.

on my left and never noticed it until a nice gentleman stopped the car and advised me to turn around and go back so I would not cause a traffic problem.

When I turned the car around, I was "face on" with the charming Victorian I now call "Miss Vicky" and shouted with joy that there was a For Sale sign in the front lawn.

I immediately called the realtor I had been working with and asked her to set up an appt. to view the interior if the house was still available.

It was still available and I toured the next day, walked inside and said "I love this house and I want to be here" and made an immediate offer. The central staircase and the view of Onset Bay and the opening of the Canal cinched the deal for me.

I realized that there was probably a lot of work to do structurally and all sorts of updating was needed to make it my own home to age in comfortably for the next 20 years before my family insists that I come to live with them.

I feel that it was destiny that I found Miss Vicky by accident on that day, some things are meant to happen.

One of the requirements I believe for safety is a garage addition. I would like to be able to access my garage from inside the house during winter time without the potential of falling on ice as I did there this past December. In fact that is how I met one of my neighbors as he helped to pick me up off the road (ice).

The house also has no true closet which would be located above the garage and a bathroom, in addition to a planned bathroom on the first floor to make aging in place a reality.

Additionally I have 5 grandchildren and 2 adult children with spouses who would like to visit. My son with his 3 children (5, 9, & 11) live in Colorado and my daughter, son in law and 2 children (18 & 17) live in Pembroke. The garage would actually allow a third parking space that is covered in addition to the two available off street parking spaces currently available.

The lots in this section of Onset are very small and in order to keep with the profile of the house and not obstruct anyone of my abutters views, my architect and builder suggested using the area where there is now a shed and part of an enclosed porch to put on the addition. I do not believe that what we have planned will substantially change the portion of surface land covered as we plan to take up the existing asphalt driveway and make it a pervious surface and also the concrete walkway will be removed and a pervious surface installed.

The planned addition takes into consideration the architecture of the current dwelling and roof lines have been matched to the current lines to blend in with the style of the house.

I respectfully request that you approve my petition for a special permit/variance to begin interior renovation and the addition so that this lovely home does not continue on in a state that leaves her vulnerable to the elements should we not be

able to begin construction and she has to go through another winter without being appropriately sealed up.

Thank you for your consideration,
Barbara Maloit

A handwritten signature in black ink, appearing to read "B Maloit". The signature is written in a cursive style with a large, looped initial "B".

B



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

COPY

David Morris
Director of Inspectional Services

William Bachant
9 Tyler Ave.
East Wareham, MA 02538

July 6, 2020

RE: 17 South Blvd.

At this time, I must deny your permit application to construct a garage to the existing home. The expansion will increase the non-conforming nature of the rear setback, building coverage and impervious surface coverage and will require relief from the Zoning Board of Appeals.

Your proposal to increase the non-conforming nature of the structure will require a Special Permit or in the alternative, a Variance if the Board of Appeals finds the expansion to be more detrimental to the neighborhood. Your proposal to modify your existing single family dwelling is being denied under the following sections of the Wareham Zoning By-Law:

- **Article 13, Section 1335, Procedures**, application must be made to the Board of Appeals to change or expand a pre-existing non-conforming structure.
- **Article 6, Table 622, Maximum Building Coverage**, Your proposal increases the allowable lot coverage.
- **Article 6, Table 622, Maximum Impervious Surface**, Your proposal increases the allowable lot coverage.

The subject dwelling is located in the OV-2 Zoning district.

Respectfully

David Morris

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.

C

1. LOCUS IS COMPRISED OF:

ASSESSORS MAP 11 - LOT 65

SITE ADDRESS: 17 SOUTH BOULEVARD

WAREHAM, MA

OWNER OF RECORD: BARBARA MALOIT

REF DEED BOOK 52049 PAGE 169

REF PLAN BOOK 8 PAGE 344

2. CURRENT ZONING:

DISTRICT: ONSET VILLAGE RESIDENTIAL (OV2)

Sec.622.

MINIMUM AREA = 10,000 S.F. TOTAL

8,000 S.F. UPLAND (80%)

EXISTING: 4,170 s.f.

MINIMUM FRONTAGE = 50'

MINIMUM SETBACKS:

STREET = AVERAGE PER SEC.622

EXISTING: = 0.4'

PROPOSED: = 0.6'

SIDE & REAR = 10'

EXISTING & PROPOSED: = NO CHANGE

MAXIMUM BUILDING COVERAGE: 20%

EXISTING: 25.1% (Dwelling & Shed)

PROPOSED: 29% (Dwelling w/Garage)

MAXIMUM IMPERVIOUS SURFACE: 50%

EXISTING: 51.7% (Dwelling, Shed, Deck, Paved

Driveway, & Walk)

PROPOSED: 36.0% (Dwelling w/Garage, Deck,)

[Driveway & Walk to be

Converted to Impervious

Surfaces]

SEC 628 DIM STANDARDS FOR EX. SMALL LOTS

CATEGORY: 0-5,000 SF.

MINIMUM SETBACKS:

STREET = AVERAGE ALIGNMENT

SIDE & REAR = 10'

F.A.R. 25%

3. FLOOD ZONE

FIRM: 25023C0581K

ZONES: X.

D



Existing Front Right / South East View



Proposed Front Left / South West View



Existing Rear Right / North East View



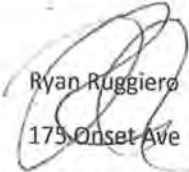
**Proposed Rear Right / North East View
Overlayed on Existing View**

E

To whom it may concern,

When I heard that one of my favorite homes in Onset was being sold, I knew the new owner would have a tall order to renovate it and bring it back to its old glory!! I was so happy for Barbara and excited that she was going to make the major investment in our community that is much needed. When Barbara told me that she had to totally gut the house to the bones in order to bring the home up to code and the amount of money that would cost, I thanked her for commitment not only to the neighborhood, but to Wareham. I told her that her taxes would go up, and in these challenging times of decreased revenue we are so lucky to have her! Wareham needs people like her to invest in our community and increase the tax base to help continue to fund our community. When she told me, she was adding a garage and a bathroom I could not be more than happy for her. Not only will the value of her home go up, the value of other homes in the area will go up, increasing the investment in our community. We need more people like Barbara who are choosing Wareham as truly being "Better Before the Bridges."

I fully support her and her major investment and thank her for her tax dollars to help our much needed in our community.



Ryan Ruggiero

175 Onset Ave

508-942-4895

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

To Whom it may Concern:

I have had the pleasure of meeting Barbara Maloit, initially through social media/Facebook, and eventually in person when she purchased her new home on South Blvd. Barbara showed an immediate interest in becoming a volunteer by signing up for not one, but 4 different event committees hosted by the Onset Bay Association, a local nonprofit community organization which I over see as the executive director. Volunteering has been a great way for Barbara to meet many people in the Village, all who are very excited for her recent home purchase and are eager to see her progress on Vicky, as she affectionately refers to her new home.

I have seen the plans for the renovations of her new home and can say it seems a wonderful update to this iconic and historic property. We all know change can be uncomfortable, but it seems the updates would not impede the view for the neighbors as far as I can see from the proposal. In talking with Barbara, she has clearly taken all the necessary steps to address the multi-faceted issues that come with renovations on a large scale, from being sensitive to the abutters while also maintaining the historical Victorian charm that so many homes in Onset have to offer. These much- needed updates would also address the concerns she has faced while opening the "Pandora's Box" that an old home can often yield.

As an aside, the former homeowners, Ed and Janet Laffey were longtime members of the community and longtime volunteers for the Onset Bay Association before they passed away. I think they would be thrilled to see the positive changes being made to their former residence.

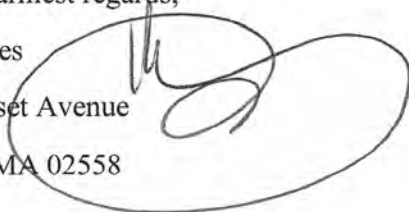
I do hope you also see the positive impact this effort will have and allow Barbara to proceed with her plans.

With warmest regards,

Kat Jones

230 Onset Avenue

Onset, MA 02558

A handwritten signature in black ink, appearing to read 'Kat Jones', is written over a large, hand-drawn oval scribble.

August 5, 2020

Zoning Board of Appeals
54 Marion Road
Wareham, MA. 02571

Re: Petition #14-20 for special permit/variance to construct a garage to the existing dwelling at 17 South Blvd., Wareham, MA

Dear Members of the ZBA,

My name is Amy Salvadore Fantoni and I, along with my parents, Melody & Angelo Salvadore, trustees of Quabbin Plaza Realty Trust, are the owners of 15 South Boulevard. I am also Ms. Maloit's only direct abutter (the lot directly behind her) on South Boulevard and I am in favor of her petition to construct an attached garage to enhance the beauty of this property.

I have seen the plans for the attached garage and, in fact, agree that the plans keep with the integrity of the neighborhood and that particular home and adds value to the area.

Additionally, I have toured the house as it currently stands and understand the need for extensive structural renovation.

Our lots are waterfront/waterview and we all enjoy the beauty of Onset and want to ensure that we are respecting the nature of the neighborhood. The addition of the attached garage shall not obstruct any of my views and will only help maintain our property values or increase them in value. I do not believe the addition will obstruct the views of any other abutter in the neighborhood.

I think her petition should be allowed and the variance granted. Thank you for your time and consideration.

Respectfully submitted,



Amy Salvadore Fantoni

*Amanda Cobb
P.O. Box 872
11 Sunset Avenue
Onset, MA 02558-0872*

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

August 6, 2020

To Whom it May Concern:

I first "met" Barbara Maloit on Facebook, when she posted a picture of her newly purchased home on South Boulevard on the Onset, Massachusetts page. It was clear that she was head over heels in love with "Vicky", as she subsequently named her beautiful new Victorian home.

Soon enough we met in person, and it became obvious that she was devoted not only to the house, but to her new community of Onset. Since I am undertaking a renovation project of my own, we shared notes and experiences over the last few months, including the fact that older buildings tend to have long-standing structural and other problems not visible to the layman. Barbara intends to do whatever is necessary to bring "Vicky" up to current code, and to make her new home a comfortable place to live out her retirement years.

Another purchaser might have chosen to knock the venerable old building down and build a hideous modern "Taj Mahal" on the property, but Barbara is committed to restoring Vicky to her former glory. Which is fortunate since the historic structure is beloved by many people in the village, and holds such a prominent place in the landscape, whether seen from land or sea.

I have by now been able to see Barb's architectural plans, and wholeheartedly endorse her vision for preserving not only this "grande dame" of the neighborhood, but the very character of the neighborhood itself. She is taking all the necessary steps to update the long-neglected interior, while keeping the iconic silhouette and personality of a Victorian seaside mansion. In her designs, she has expressed sensitivity to concerns of abutters, some of whom are within touching distance of her property, and many of whom face or have faced the same challenges of making outdated and seasonal houses into homes that can be comfortably inhabited year-round.

I can not see any reason why Ms. Maloit's restoration project would be anything but a great boon to its location on South Boulevard and indeed, to the town of Onset. I do sincerely hope the Zoning Board will agree and allow her to move ahead with her dream project.

Sincerely yours,

Amanda Cobb

August 5, 2020

Zoning Board of Appeals
54 Marion Road
Wareham, MA 02571

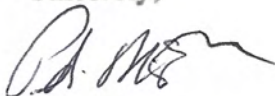
Re: Petition #14-20 for Special Permit/ Variance for proposal to construct a garage to the existing dwelling at 17 South Blvd, Wareham MA

Dear Zoning Board of Appeals,

My name is Peter McDonagh. My wife Clare and I are the owners of the property located at 7 SIXTH ST within 300 feet abutting Ms. Maloit's property at 17 South Blvd. We find no issue with his petition for the attached garage and, in fact, agree it keeps with the integrity of the neighborhood and adds value to the area. Due to our properties being waterfront and the small undersized lots in Onset, most of the homes in our area have their garages attached.

I am in favor of this petition and agree to its approval.

Sincerely,



Peter McDonagh



Wareham Zoning Board of Appeals
54 Marion Road
Wareham, MA. 02571
August 2020

Petition: #14-20 for Special Permit/Variance to construct a garage to the existing dwelling at 17 South Boulevard, Onset/Wareham, MA.

I have been shown the proposed plans to add on a garage addition to #17 South Boulevard in Onset and am in favor of the planned addition and think that the petition/variance should be allowed.

Signature of Supporter(s),

Gregory A. Lencow 60 Longwood Avenue, Onset, MA 02558



Existing Front Left / South West View



Proposed Front Left / South West View



Existing Rear Left / North West View



Proposed Rear Left / North West View



Existing Front Right / South East View



Proposed Front Left / South West View