

VARIANCE APPLICATION

TOWN OF WAREHAM ZONING BOARD OF APPEALS

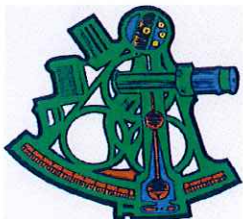
14 Fonseca Way
W. Wareham, MA

May 24, 2022

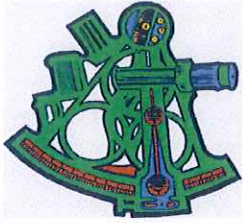
PREPARED FOR:

John J. Perrone
Kimberly A. Sullivan
14 Fonseca Way
W. Wareham, MA 02576

PREPARED BY:



JC ENGINEERING, Inc.
Civil & Environmental Engineering
2854 Cranberry Highway
East Wareham, Massachusetts 02538
Ph. 508-273-0377 – Fax 508-273-0377



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May 24, 2022

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

RE: Variance Application for 14 Fonseca Way, West Wareham, MA

Dear Board Members,

On behalf of the applicant, John J. Perrone, please find enclosed a Variance Application accompanied by supporting design drawing entitled "Plot Plan for Garage located at 14 Fonseca Way, West Wareham, MA" dated February 14, 2022 (Plan) for your review and approval. This property is shown as Lot F3 on Assessor's Map 94. The existing property contains a single-family home an associated utilities built by the applicant in 2005. Mr. Perrone would like to construct a detached garage in the area between the dwelling and the street. In accordance with the determination issued by the Building Commissioner, a Variance under Section 625, footnote 2 would be required for this proposed project.

Zoning Requirements

The property is located in the R-60 Zoning District. Below is an explanation of the zoning requirement referenced in the Building Commissioners determination.

- In accordance with Article 6, Table 625, minimum front setback for accessory structures shall be equal to or greater than the existing principal building's front setback. The existing dwelling is setback 156.6' from the front property line, while the proposed garage is shown to be 63.6' from the front property line.

Variance Request

As part of this Variance Application, the applicant would like to construct a detached garage in the large wooded area between the house and the front property line. The placement of the detached garage does meet the front setback requirement for a primary structure. As can be seen on the Plan, the minimum required front setback for a primary structure is 60 feet, which has been met with the location as proposed.

As outlined in Section 1470 of the Wareham Zoning Bylaws, the applicant shall demonstrate that the literal enforcement of the by-law would involve substantial hardship and that desirable relief

may be granted without substantial detriment to the public good and without substantial derogating from the intent of the bylaw.

- *A Variance may be granted when factors relating to soil conditions, shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition, and that a literal enforcement of the By-law would involve a substantial hardship, financial or otherwise, to the petitioner.*


A literal enforcement of the Wareham Zoning Bylaws would create a hardship to the property owners. Due to the current location of the existing dwelling, this prevents the construction of any accessory structures on a large portion of the property without seeking a permit from the Zoning Board of Appeals. To construct a detached garage in conformance with the current bylaw would require the removal of trees in close proximity to the cranberry bogs located to the east of this property and would require a much longer driveway and possible additional permits from the Conservation Commission.

- *A Variance 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 bylaw*

The proposed detached garage will not be detrimental to the public good and will not derogate from the intent of the bylaw. This can be proven as the location of the proposed garage is not any closer to the street than where a primary structure could be built.

For the reasons stated above, we would appreciate your favorable vote on a Variance for the construction of an addition, which is under the purview of this board.

Respectfully yours,



Bradley M. Bertolo, EIT, CSE
Project Engineer

Cc: John J. Perrone

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.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o 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: 14 Fonseca Way **LOT:** F3 **MAP:** 94
ZONING DISTRICT: R-60
USE REQUESTED: construct detached garage
OWNER OF LAND & BUILDING: John J. Perrone and Kimberly A. Sullivan **TEL.#** _____
ADDRESS OF OWNER: 14 Fonseca Way, W. Wareham, MA 02576
PERSON(S) WHO WILL UTILIZE PERMIT: SAME
ADDRESS: SAME
DATE: 5/24/22 **SIGNATURE:** [Signature]
This application was received on the date stamped here: [Signature]

Town Clerk: [Signature] **Date:** _____
Tax Collector: Bridgette Benoit **Date:** 5/24/2022
Planning/Zoning Dept.: Stacy Raposo **Date:** 6-14-22

Application fee paid: 300.00 **Check #:** 9377 **Receipt:** _____
Advertising fee paid: 100.00 **Check #:** 9378 **Receipt:** _____
Abutters fee paid: 100.05 **Check #:** 9379 **Receipt:** _____

WAREHAM TOWN CLERK
2022 JUN 14 PM 2:31

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: John J. Perrone and Kimberly A Sullivan

Applicant's Address: 14 Fonseca Way, W. Wareham, MA 02576

Telephone Number: _____

Cell Phone Number: _____

Email Address: _____

Address of Property/Project: 14 Fonseca Way, W. Wareham, MA 02576

Landowner's Name: John J. Perrone and Kimberly A Sullivan

Owner's Address: 14 Fonseca Way, W. Wareham, MA 02576

Telephone Number: _____

Contact Person: Bradley Bertolo-JC Engineering Telephone Number: 508-273-0377

Map 94 Lot F3 Zone R-60

Date Approved _____ Date Denied _____

Comments: _____



TOWN OF WAREHAM
Department of Inspectional Services

54 Marion Road
Wareham, Massachusetts 02571
(508) 291-3100, Ext. 3190

David R. Moore
Interim Building Commissioner

April 6, 2022

John Perrone
14 Fonseca Way
West Wareham, MA

RE: 14 Fonseca Way/ Garage

It appears that the construction of the proposed garage will be closer to the street than the dwelling.

Therefore, you will need to apply to the Wareham Zoning Board of Appeals for a Variance under Section 625 footnote 2.

You have 30 days in which to appeal this decision or you may apply to the Zoning Board of Appeals for the variance. If you have any further questions please contact my office.

Sincerely,

David R. Moore

14 FONSECA WY

Location 14 FONSECA WY

Mblu 94 / F3 /

Acct#

Owner PERRONE JOHN J

Assessment \$631,300

Appraisal \$631,300

PID 103187

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$532,500	\$98,800	\$631,300

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$532,500	\$98,800	\$631,300

Owner of Record

Owner PERRONE JOHN J
Co-Owner SULLIVAN KIMBERLY A
Address 14 FONSECA WY
 W WAREHAM, MA 02576

Sale Price \$100
Certificate
Book & Page 52898/0220
Sale Date 06/12/2020
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
PERRONE JOHN J	\$100		52898/0220	1A	06/12/2020
PERRONE JOHN J	\$212,500		28020/0007	1B	04/22/2004
CORNERSTONE PROP & DEV	\$0		23663/0049		
	\$0		/0		

Building Information

Building 1 : Section 1

Year Built: 2005
Living Area: 3,386
Replacement Cost: \$580,493

Building Percent Good: 90
Replacement Cost
Less Depreciation: \$522,400

Building Attributes

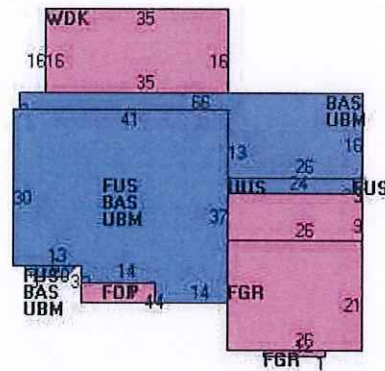
Field	Description
Style:	Colonial
Model	Residential
Grade:	Ave/Good
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	Drywall
Interior Wall 2	
Interior Fir 1	Hardwood
Interior Fir 2	Carpet
Heat Fuel	Propane Gas
Heat Type:	Forced Hot Air
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Average
Kitchen Style:	Modern
# of Fireplaces	1
Fireplace Type	01
Finish Bsmt SF	
Fin Bsmt Qual	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(<http://images.vgsi.com/photos2/WarehamMAPPhotos/A0010440140.jpg>)

Building Layout



(http://images.vgsi.com/photos2/WarehamMAPPhotos/Sketches/103187_101042.jpg)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,994	1,994
FUS	Upper Story	1,392	1,392
FGR	Garage	792	0
FOP	Open Porch	56	0
UBM	Basement Unfin	1,994	0
UUS	Upper Story Unfin	306	0
WDK	Deck, Wood	560	0
		7,094	3,386

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
 Description SINGLE FAMILY
 Zone R60
 Neighborhood 0051
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 2.26
 Frontage
 Depth
 Assessed Value \$98,800
 Appraised Value \$98,800

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED/FRAME			140.00 S.F.	\$1,400	1
GAZB	GAZEBO			135.00 S.F.	\$3,900	1
SPL1	POOL/CONCRETE			384.00 S.F.	\$4,800	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$532,500	\$98,800	\$631,300
2021	\$505,800	\$98,800	\$604,600
2020	\$470,200	\$98,800	\$569,000

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$532,500	\$98,800	\$631,300
2021	\$505,800	\$98,800	\$604,600
2020	\$470,200	\$98,800	\$569,000

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*** Electronic Recording ***
Doc#: 00049856
Bk: 52898 Pg: 220 Page: 1 of 2
Recorded: 06/12/2020 12:50 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 06/12/2020 12:50 PM
Ctrf#
Fee: \$.00 Cons: \$1.00

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that JOHN J. PERRONE, being married, of 14 Fonseca Way, West Wareham, MA,

For consideration paid of LESS THAN ONE HUNDRED AND NO/100 (\$100.00) DOLLARS

Grant(s) to JOHN J. PERRONE AND KIMBERLY A. SULLIVAN, Husband and Wife, Tenants by the Entirety, of 14 Fonseca Way, Wareham, MA 02576

with QUITCLAIM COVENANTS,

A certain parcel of land with the buildings thereon bounded and describes as follows:

Lot 1006-D on a Plan entitled "Definitive Subdivision Plan of Land Cornerstone Estates II in Wareham, Massachusetts dated March 24, 2003" as revised and recorded Plymouth County Registry of Deeds at plan Book 47, Page 498.

Subject to Easements shown on said Plan, Plan Book 47, Page 498.

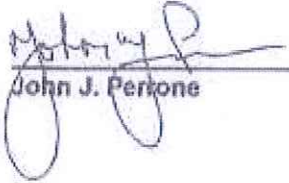
Subject to Declaration of Protective Covenants for "Cornerstone Estates II" of even date recorded herewith.

Together with the right to pass and repass over Fonseca Road and to use same in common with others for all purposes ways are used in Wareham, MA., with the Grantor specifically reserving the fee in said road unto the Grantor.

Being the same premises as conveyed to JOHN J. PERRONE by deed of Cornerstone Properties and Development, Inc. recorded on April 22, 2004 in the Plymouth County Registry of Deeds in Book 28020, Page 7.

Property Address: 14 Fonseca Way, Wareham, MA 02576

Witness my hand and seal this 26th day of June, 2020.

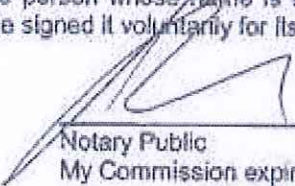


John J. Perrone

COMMONWEALTH OF MASSACHUSETTS

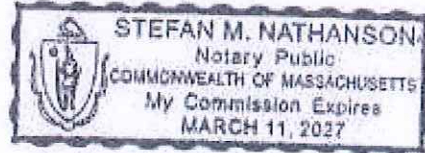
M. L. L..., SS

On this 26th day of June, 2020, before me, the undersigned notary public, personally appeared John J. Perrone, proved to me through satisfactory evidence of identification, which was/were driver's license(s) or _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

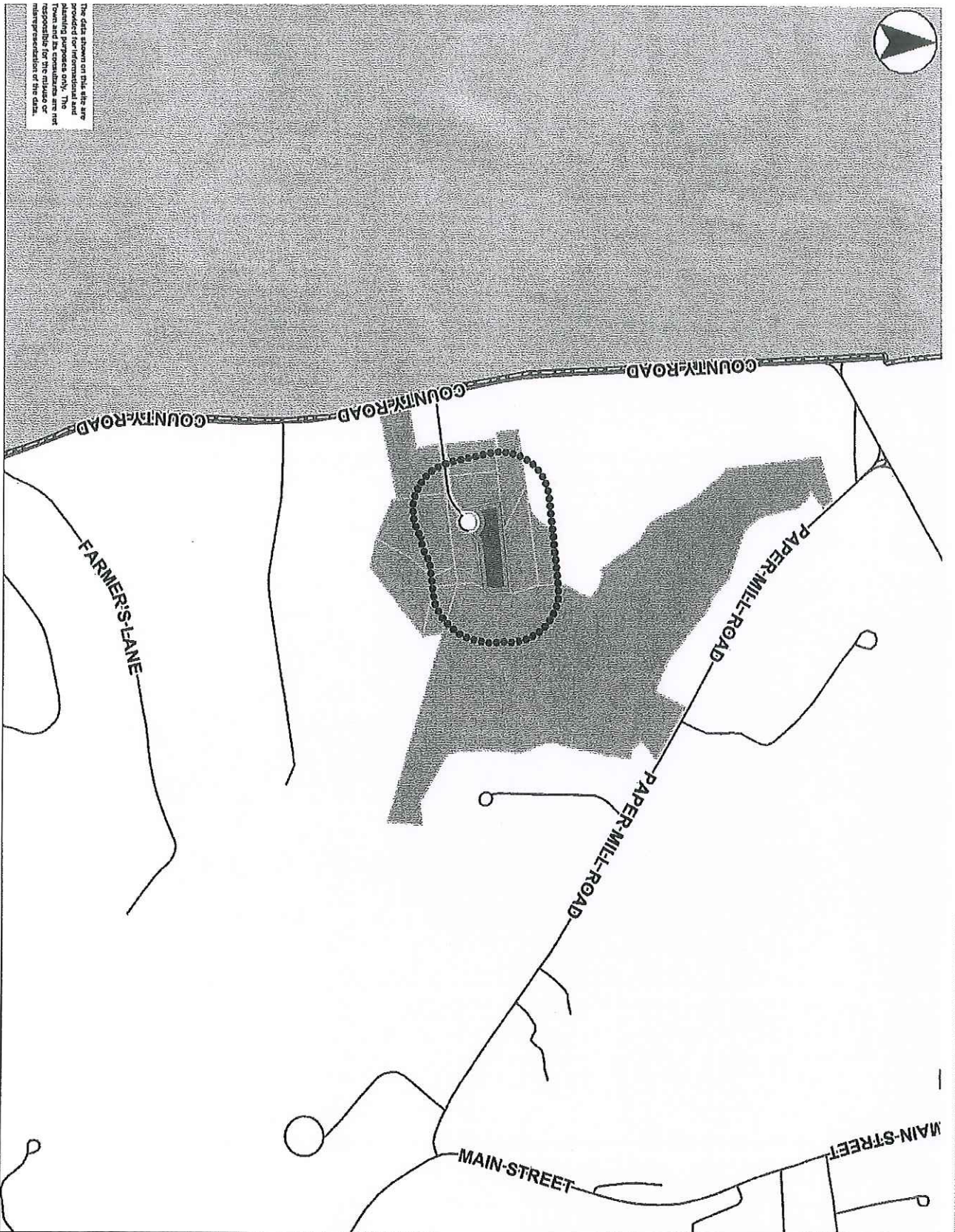


Notary Public
My Commission expires:

After Recording Mail To: Ligris & Associates PC
1188 Centre Street
Newton, MA 02459



TOWN OF WAREHAM ABUTTERS								
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE		
MAP 94 LOT F3 300'								
94-1009	BARBOZA JOSEPH EDWARD		634 COUNTY RD	W WAREHAM	MA	02576		
94-F3	PERRONE JOHN J	SULLIVAN KIMBERLY A	14 FONSECA WAY	W WAREHAM	MA	02576		
94-1012/M	ANDREWS DOMINGO J JR	ANDREWS DEBRA BOUCHER TRUSTEES	11 BETHEL WAY	W WAREHAM	MA	02576		
94-F4	PERRONE CAMILLE		11 FONSECA WAY	W WAREHAM	MA	02576		
94-F1	TUCKER JUSTIN C		6 FONSECA WY	W WAREHAM	MA	02576		
94-1012	TWEEDY & BARNES CO		31 HOME DEPOT DR #228	PLYMOUTH	MA	02360		
94-6	SEARLES PAULINE M		660 COUNTY RD	W WAREHAM	MA	02576		
94-1013	TWEEDY JOHN E & BARNES VICTOR	D/B/A TWEEDY & BARNES CO	31 HOME DEPOT DR #228	PLYMOUTH	MA	02360		
94-F2	BURKE DAVID J	BURKE CORALEE T	10 FONSECA WY	W WAREHAM	MA	02576		
94-1004/A1	SEMEDO KENNETH	SEMEDO HENRIETTA	680 COUNTY RD	W WAREHAM	MA	02576		
94-1004/A2	BERRIAULT BRANDON		9 BETHEL WAY	W WAREHAM	MA	02576		
CERTIFIED ABUTTERS AS THEY APPEAR ON								
OUR TAX ROLLS AS OF 4/28/2022								
<i>By R. Davis Adams</i>								
ASSESSORS OFFICE								
REQUESTED BY								
BRADLEY BERTOLO								
508 273-0377								
BBERTOLO@JCENG.ORG								



The data shown on this site are provided for informational and reference purposes only. The user assumes all liability and responsibility for the misuse or misrepresentation of the data.

0 1000 2000 ft

Printed on 04/28/2022 at 04:02 PM

MapOnline by PeopleGIS

- MA Places
 - Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Buildings
- Parcels
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- State
- Bathymetry
 - 0-5 ft
 - 5-10 ft
 - 10-15 ft
 - 15-20 ft
 - 20-25 ft
 - 25-30 ft
 - 30-40 ft
 - 40-50 ft
 - 50-60 ft
 - 60-70 ft
 - 70+ ft
- Abutting Town Labels
- Abutting Towns

MAP 94

LOCUS

