
THE LAW OFFICES OF BELLO & MORTON, LLC

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

HAND DELIVERED on August 19, 2021

Zoning Board of Appeals of Wareham

Memorial Town Hall

54 Marion Road

Wareham, MA 02571

*Re: Application for Special Permit/Variance Assessors Map 20, Lot 1017/B 14 Over
Jordan Road, Wareham, MA 02571*

1. Petitioners

Thomas Parenteau, Owner of

TJP Realty LLC

310 Kenneth Welch Drive

Lakeville, MA 02347

2. Recorded Owner:

TJP Realty LLC

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 July 21, 2021 attached here as Exhibit C 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. Google Map pictures of the site for reference (Exhibit E)

8. 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:

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.

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:** The proposed residential dwelling does not comply with the front setback requirement of 60', in the R-60 zoning district

- **Article 13, Section 1355 Non-conforming Structures:** A lawfully preexisting nonconforming residential structure may be demolished and reconstructed by way of Special Permit provided that the Board of Appeals determines:
 - 1) The replacement structure will not be substantially more detrimental to the neighborhood than the existing structure.
 - 2) Replacement of the structure will not cause or contribute to any undue nuisance, hazard, or congestion in the neighborhood, zoning district, or town
 - 3) The replacement structure will not intensify any of the following existing non-conformities: building coverage, imperious coverage or setback encroachment;
 - 4) The replacement structure will not create any new non-conformities.

If the Zoning Board finds that the proposal will result in a substantial detriment to the neighborhood, or that is not in compliance with any of the aforementioned criteria a Variance will be required.

Legal Standard as Applied to our case:

Our lot is preexisting and non-conforming and there is still a free-standing home on the lot. The new building to be constructed along with the other properties the Board has already granted Variances for 12 and 16 Over Jordan Road.

The replacement structure will not be more substantially detrimental to the neighborhood but will increase the value of the surrounding properties and be an asset to the area. The architectural drawings provided to the Board show the thoughtful build which will go along with the abutting properties to be built.

The replacement from an old tear down single-family structure to a new high-end home will not contribute to any undue nuisance to the neighborhood, or congestion, zoning district or town. The properties located at 12,14,16 Over Jordan Road always have had single family homes on them since the 1950s. Over Jordan Road is a quiet road that is just for residents and its guests. This new build will not burden the town but an asset, increasing property values and tax revenue generated for the town through assessable real estate taxes.

The Commissioner commented that the new build does not comply with the front yard setback, but the new build actually does not intensify this nonconformity but reduces it from 30.7' to 32'. It will also not intensify any of the other requirements under our bylaw.

The replacement structure does not add or create any new conformities on the lot. It meets all of the requirements under the Zoning By-Laws regarding other side setbacks, coverage, etc.

It is our hope that the Board views the granting of this Special Permit

All things considered allowing this Special Permit would not be detrimental to the neighborhood, certainly would not derogate from the intent of the Zoning By Laws, and meets the requirements listed under Article 13 Section 1355, Non-conforming Structures.

We ask that this Special Permit Application be approved by the Wareham Zoning Board of Appeals for the reasons mentioned above.

Respectfully submitted,

By 

Jilian A. Morton, Esq.

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: TSP Realty, LLC c/o

Applicant's Address: Attorney Jilian Morton, 184 Main St.

Telephone Number: Wareham, MA 508-295-2522

Cell Phone Number: _____

Email Address: jam@mortonlawllc.com

Address of Property/Project: 14 Over Jordan Road, Wareham MA

Landowner's Name: TSP Realty, LLC

Owner's Address: 310 Kenneth Welch Drive

Telephone Number: N/A

Contact Person: Jilian Morton, ESQ Telephone Number: 508-295-2522

Map 20 Lot 1017/B Zone R60

Date Approved _____ Date Denied _____

Comments: _____

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 \$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: 14 Over Jordan Rd MAP: 20 LOT: 1017/B
ZONING DISTRICT: R60
USE REQUESTED: Single Family Home
OWNER OF LAND & BUILDING: TJP Realty LLC TEL.# _____
ADDRESS OF OWNER: 310 Kenneth Welch Drive, Lakeville, MA
PERSON(S) WHO WILL UTILIZE PERMIT: TJP Realty LLC '0234
ADDRESS: _____
DATE: 8/19/2021 SIGNATURE: [Signature], attorney for TJP Realty, LLC
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: _____

EXHIBIT A

TOWN OF WAREHAM ABUTTERS

MAP 20 LOT 1017/B

OWNER TIP REALTY LLC

MAP & LOT OWNER CO-OWNER STREET ADDRESS TOWN STATE ZIP CODE

20-1019/A SASS JOSEPH A BRENDA R CURRY-MCKEON REV LIV TR 5 JAMES DR WAREHAM MA 02571

20-1010 CURRY-MCKEON BRENDA R TRUSTEE BRENDA R CURRY-MCKEON REV LIV TR 23 SALT MARSH LN WAREHAM MA 02571

20-1017/B TIP REALTY LLC 310 KENNETH WELCH DR LAKEVILLE MA 02347

CERTIFIED ABUTTERS AS THEY

APPEAR ON OUR TAX ROLLS

AS OF 1/1/2021

By: Kevin Dennis

ASSESSORS OFFICE

REQUESTED BY

JULIAM MORTON

508 295-2522

JAM@MORTONIAWLLC.COM



The data shown on this site are provided for informational purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 08/18/2021 at 10:55 AM

MapOnline by PeopleGIS

- MA Places
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parcels
- Town Boundary
- MA Highways
- Interstate
- Highway
- Numbered Routes
- 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

EXHIBIT B

MASSACHUSETTS EXCISE TAX
Syracuse County REC# 811 001
Date: 08/19/2016 09:52 AM
CITY 1080, 18/04 Page 0008/18
Fee: \$10.00000000 \$2,400.000000

CANCELLED



2019 00045705
Ok: 51249 Pg: 227 Page 1 of 11
Records: 08/19/2016 09:52 AM
ATTENT: Jeff H. Ducey, Jr. Register
Syracuse County Registry of Deeds

FIDUCIARY DEED

10 Over Jordan Rd & other parcels
Address: Multiple Parcels in Wareham, Massachusetts

Robert G. Peix, Jr., as Personal Representative under the will of Paul Volpe, Plymouth County Probate Court Docket No. PL17P1806EA, with an address of c/o Hancock Aug 1, 28 State Street, Boston, Massachusetts 02109 ("Grantor"), for consideration paid of Four Hundred Four Hundred Six Hundred Sixty and 00/100 Dollars (\$2,400.00) in full to TJP REALTY, LLC, a Massachusetts limited liability corporation, with principal place of business at 370 Kenneth Welch Drive, Lowell, Massachusetts 01854 ("Grantee"), with **WITHOUT COVENANTS**,

Multiple parcels sit and with any buildings thereon located in the town of Wareham, County of the south, Commonwealth of Massachusetts, described as follows:

See Exhibit A attached hereto

Grantor hereby waives any and all rights of Homestead in and to the premises conveyed hereby and warrants and represents that there are no other persons entitled to any rights under MGLA 90A:18B in the premises conveyed by this Deed.

Paul Volpe died July 3, 2017 (Plymouth County Probate Docket Number PL17P1806EA) (Estate E). Volpe died December 8, 1983 (Norfolk County Probate Docket Number NOR9P3178F1) and Sebastiano Volpe died on August 8, 1975 (Norfolk County Probate Number 7512431-141).

EXECUTED as a sealed instrument this 17th day of May, 2019.

W. P. O. Peix, Jr.
Robert O. Peix, Jr., as Personal Representative
of the Estate of Paul Volpe, and not Individually

State/ Commonwealth of Massachusetts
County of Tewksbury

On this 29th day of July, 2019, before me, the undersigned notary public,
personally appeared Robert O. Peix, Jr., as Personal Representative of the Estate of Paul Volpe,
known to me through satisfactory evidence of Identification, which was
presented to me through Witnesses. If the person whose name is signed on the preceding
document, and acknowledged to me that he signed it as his free act and deed, and voluntarily for
the stated purpose in his various capacities as stated above.



W. P. O. Peix, Jr.
Notary Public
My commission expires: November 1, 2021

DUPLICATE COPY

EXHIBIT A

All of the real property in the Town of Wareham, County of Plymouth, Commonwealth of Massachusetts, described as follows:

PARCEL 1:

A. 10 Over Jordan Road

The land in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a concrete bound on the north side of the sidewalk of Over Jordan Road, at the southerly corner of 89' x 100' and 100' x 17' 30" lot, hence

NORTH 17° 30' WEST Ten and 2/100 (10.2) feet by Over Jordan Road to an angle point, thence

SOUTH 88° 52' 00" WEST Three hundred and 97/100 (300.97) feet by Over Jordan Road by an angle point, thence

SOUTH 53° 17' 30" WEST One hundred eighty and 89/100 (180.89) feet to Over Jordan Road to a concrete bound, thence

NORTH 63° 12' 10" WEST Five hundred (500) feet by remaining land of Ethel H. Burgess to a concrete bound, thence

NORTH 63° 03' 20" EAST Two hundred seventy-seven and 86/100 (277.86) feet by land of Amelia J. Doherty to a concrete bound, thence

NORTH 08° 43' 00" WEST Two hundred fifty-five and 80/100 (255.80) feet by said land of Doherty to a concrete bound, and thence

SOUTH 70° 24' 00" EAST Five hundred ninety-seven and 88/100 (597.88) feet by remaining land of Ethel H. Burgess to the point of beginning.

Containing 3.0 acres, more or less. A lot said bounds, courses, and distances are shown on a Plan of Land situated for Ethel H. Burgess, dated March 1, 1968, and on a Plan of Land situated for Amelia J. Doherty, dated May 1, 1968, both of which are on file in the Registry of Deeds for the County of Plymouth, Massachusetts, and are hereby referred to for a full and complete description of the land.

By 11 Deer Island Road

The triangular lot of land shown as Lot "B" containing 1,450 square feet more or less in Plan of Land Over Section, Wrentham, Massachusetts, surveyed for Bernard L. Yaffe, et al., Walter E. Stoddy, Surveyor, dated March 21, 1931, recorded with Plymouth County Registry of Deeds in Plan Book 8, Page 182, and bounded and described as follows:

NORTHWESTERLY by the Private Way shown on said plan 138.05 feet,

EASTERLY by Lot 7 on said plan, 33 feet more or less, and

SOUTHERLY by the mean high water mark of Totten Bay.

Meaning and intention to describe and convey that parcel conveyed to Paul Velje by deed dated November 30, 1987 and recorded in the Plymouth County Registry of Deeds in Book 8174 page 165

PARCEL 2 - 172 Great Neck Road

The lot of land at Great Neck Road, Wrentham, Plymouth County, Massachusetts, being Lot 19 of Lot A, Plan of 1 and Benjamin F. Wigglesworth Construction Co. or Elizabeth F. Wigglesworth, d/b/a Great Neck Road, Wrentham, Massachusetts, dated November 12, 1985 by Harlan Engineering Co., Inc., Registered Professional Surveyors, recorded with Plymouth County Registry of Deeds in Plan No. 112 of 1985, Plan Book 8025, Page 267.

Subject to easements and restrictions of record insofar as they are in force and effect.

Meaning and intention to describe and convey that parcel conveyed to Paul Velje by deed dated December 8, 1988 and recorded in the Plymouth County Registry of Deeds in Book 8183 page 236.

PARCEL 3 - Off Over Jordan Road

The land and the buildings thereon situated in Wrentham, Massachusetts, in the part of Wrentham called Burgess Point consisting of two tracts of land more particularly bounded and described as follows:

Parcel 1, Beginning at a stake at mean high water, standing N. 5° 55' W. and 299.06 feet distance from the northwest corner of a lot of land owned by Captain Lash, and being the westerly corner of the described lot, thence S. 1° 57' W. 182 feet to a stake thence N. 17° 18' W. 140 feet to a stake, thence N. 64° 43' E. 136 feet to a stake at mean high water, thence to a stake corner of parcel two and of Parcel 3, thence to a stake to a water line of Over Jordan Bay.

Parcel 50 to be E. 72° 42' W. 100.00 feet to a stake and
part of Parcel 10.

Parcel 51 beginning at the south easterly corner of said tract at a stake, said parcel
also being the easterly corner of Tract 1, said stake bearing N. 17° 18' W.
from a concrete band and 1.56 feet distant therefrom. Thence N. 17° 18' W. 150
feet to land of Clarence N. Hensin to a stake for a corner thence N. 72° 42' E. by
land of Ethel M. Burgess 216 feet to a stake on or near a low water line of
Shell Point Bay 100 feet more or less, to a stake for a band, thence S. 72° 42'
W. 56 feet to a stake, thence in the same course 150 feet to the point of
beginning. Containing 21,600 square feet more or less.

Meaning and intending to describe and convey that parcel conveyed to Sebastian
Volpe and Ethel E. Volpe by deed dated June 18, 1945 and recorded in the
Plymouth County Registry of Deeds at Book 1912 page 372.

PARCEL 4 - 14 and 15 Shell Lane

The land in Wretham, Plymouth County, Massachusetts in that part called
Buttess Point, bounded and described as follows:

Beginning at the Northerly corner of the lot to be described at a stake standing
in or near the rear line and east side of Orchard and the Northeast corner of
land now or formerly of Charles W. Fisher;

thence South 75 degrees 6 minutes West two hundred forty-two and
one half (442 1/2) feet by and more or less to a point on land now or
formerly of Joseph H. Burgess, to a stake;

thence South 10 degrees 47 minutes West 200.00 feet and 200.00 feet
East by land now or formerly of Joseph H. Burgess, to a stake;

thence South 78 degrees 6 minutes East, two hundred nine and 50/100
(209 50/100) feet by land now or formerly of Joseph H. Burgess, to a stake near
a mean high water mark of sea at high tide;

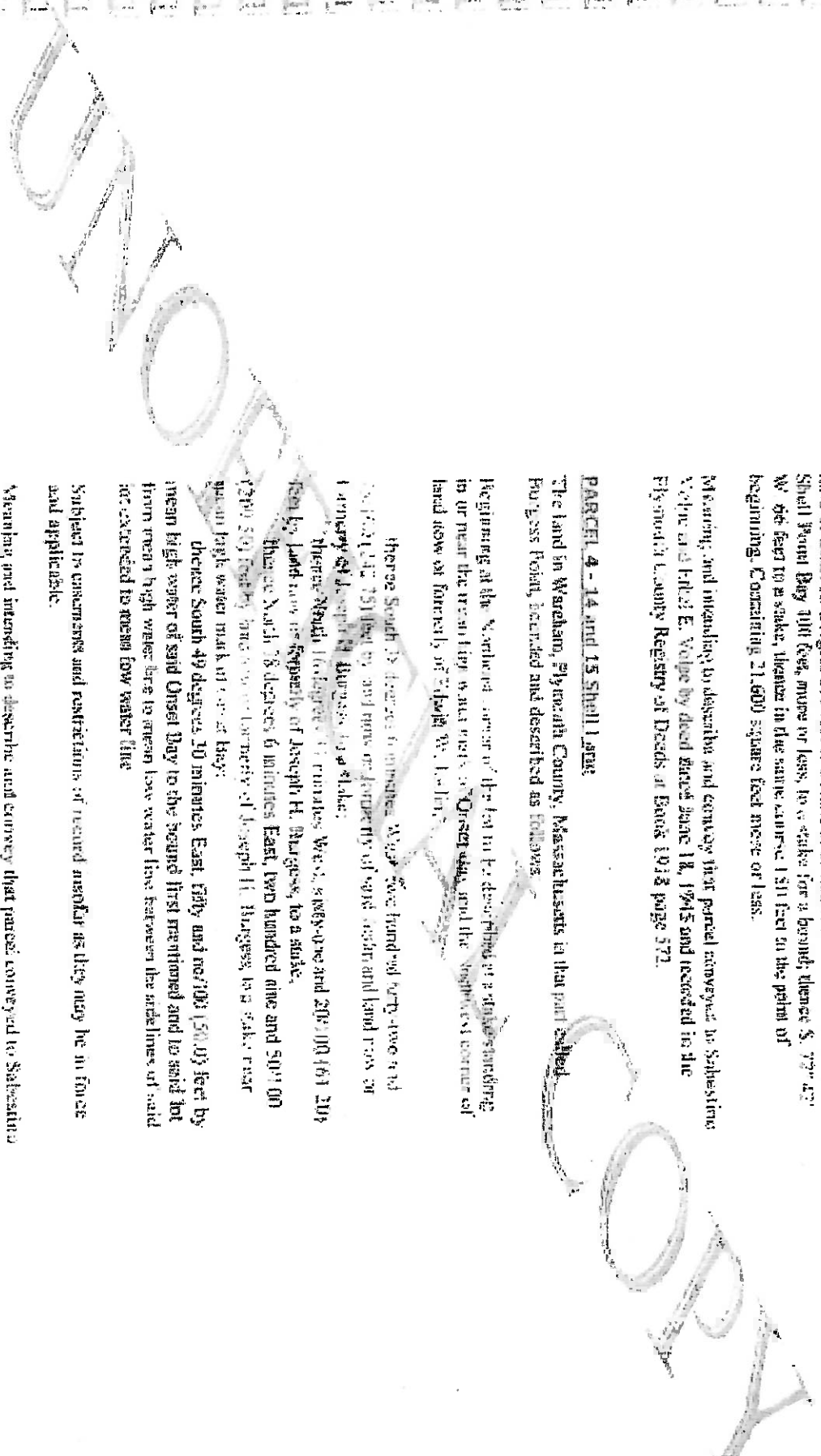
thence South 49 degrees 10 minutes East, fifty and one-tenth (50 1/10) feet by
mean high water of said Shell Bay to the second first mentioned and to said lot
from mean high water there to mean low water line between the sidelines of said
lot extended to mean low water line

Subject to easements and restrictions of record and/or as they may be in force
and applicable.

Meaning and intending to describe and convey that parcel conveyed to Sebastian
Volpe and Ethel E. Volpe by deed dated September 30, 1952 and recorded in the
Plymouth County Registry of Deeds at Book 2412 page 159

PAPER 5 - 19 Shell Lane

A certain part of land in said Wretham, Plymouth County, Massachusetts
in that part called Buttess Point, bounded and described as follows:



PARCEL 7 - 17 Shell Lane

A certain parcel of land in Wareham, Plymouth County, Massachusetts, containing 5.810 acres (see more or less and shown on "Plan of Land Surveyed for Ethel E. Burgess, Green Neck, Wareham, Mass. May 23, 1961, Walter E. Rowley & Associates, West Wareham, Mass., revised June 13, 1963", filed with Plymouth County Registry of Deeds July 5, 1961, as Page No 434 of 1961, in Book 2861, Page 471).

Said parcel is more particularly bounded and described as follows:

Beginning at a concrete bound at the rear southerly corner of said parcel as land of E. J. S. Blalock in the western subtitle of an existing right of way, thence running:

Parcel 17° 21' 50" West 57.01 feet e-south
a distance of 2.72 said land of Ruth S. Dalkak in
a concrete bound; thence:

Parcel 17° 02' 50" West 13.75 feet to the back of
Subsection and Ethel E. Volpe in the westerly
subline of said right of way to a stake; thence:

Parcel 17° 02' 50" West 13.75 feet by land of
Subsection and Ethel E. Volpe, formerly owned by
Luther H. Hartwig, to a drill hole in a wall, and
rejoining in the same course to the waters of Shell
Point Bay, thence southerly, by Shell Point Bay
to other land of Subsection and Ethel E. Volpe;
thence:

South 17° 02' 50" West, by land of Subsection and
Ethel E. Volpe, a stone bound standing near the
shore; and thence:

South 17° 02' 50" West, 118.14 feet by land of
Subsection and Ethel E. Volpe to the point of
beginning.

Subject to existing rights of way and easements of record, rights of the public in the
portion below the high water mark and easements described in deed from Joseph
H. Burgess recorded in Book 1897 Page 537

Measuring and returning to describe and convey that parcel or parcels to Subsection
Volpe and Ethel E. Volpe by deed dated May 16, 1961 and revised dated June 13, 1963
by Walter E. Rowley & Associates, Registry of Deeds in Book 1070 page 277

...Voting and affixing to it the seal of the said County, that parcel, parcel of Sebastiano Volpe and Parcel T, both by deed dated November 20, 1951 and recorded in the Plymouth County Registry of Deeds in Book 2491 page 44.

PARCEL 6 - 11 Over Jordan Road

Two certain parcels of land with the buildings thereon situated in that part of North one Section 35, Township 34 North Range 20 West and described as follows:

Parcel A - Beginning at a stone bound in the southerly side line of Over Jordan Road, it being the northeasterly corner of the lot so be described and the westerly corner of a lot of land conveyed to Sebastiano Volpe et ux, and recorded in the Plymouth County Registry of Deeds, Book 2570, Page 344;

thence running on line of land of Sebastiano Volpe et ux, South 17° 18' 00" East 130.00 feet to a point for a corner;

thence surveying and running in line of other land of Sebastiano Volpe et ux, North 54° 48' 00" East 219 feet more or less to a corner;

thence running and starting in line of other land of Sebastiano Volpe et ux, North 17° 18' 00" West 130.00 feet to a stone bound in the southerly side line of Over Jordan Road,

thence turning and starting in the southerly side line of Over Jordan Road, North 56° 11' 00" East 280 feet more or less to the stone bound for a corner, thence and parcel of land owned by the above described persons, all with certain feet more or less and to a point or other premises described in deed of Bangs as to parcel recorded in the Plymouth County Registry of Deeds, Book 1745, Page 301.

Parcel B - Beginning at a concrete bound in the westerly corner of the lot to be described in said concrete bound being situated South 17° 18' 00" East 117.65 feet from the stone bound first mentioned in Parcel A of this conveyance;

thence running by land of Sebastiano Volpe et ux, North 72° 42' 00" East 116.9 feet to the low water mark of Shell Point Bay;

thence turning and running by the low water mark of Shell Point Bay, southeasterly 15 feet more or less to a point for a corner;

thence turning and running the other land of Sebastiano Volpe et ux, 73° 42' 00" West 216.0 feet to a stake for a corner;

thence turning and running in line of Parcel 1, North 17° 18' 00" West 130 feet to the concrete bound first mentioned and point of beginning. The above described lot contains 1,210 square feet more or less and is shown on a plan recorded in Plan Book 7, Page 596.

Voting and affixing to it the seal of the said County, that parcel, parcel of Sebastiano Volpe and Parcel T, both by deed dated November 20, 1951 and recorded in the

PARCEL B - 4 Shell Lane

The road in Wareham, Plymouth County, Massachusetts bounded and described as follows:

Beginning at a concrete board in the westerly sideline of a state way leading easterly and northerly from Great Neck Road, at the southeasterly corner of land now or formerly of Sebastine Volpe and Ethel E. Volpe; thence running

N09° 11' WEST 87.4' ELY 145.80 feet more or less to said first corner or

formerly of said Volpe to a stake; thence

N08° 11' ELY

85 feet by said land now or formerly of Volpe to a concrete board in the westerly corner of land now or

SOUTH

formerly of John J. and Rita C. Scully; thence

E07° 03' 30" EAST 145 feet by said land now or

formerly of John J. and Rita C. Scully; to a

concrete board in the westerly sideline of said

private way; and thence

S04° 27' 10" WEST 150 feet by said private

way to the point of beginning.

Containing 16,260 square feet more or less.

Register with a photo to prove and impress on said or remaining land of said Ethel E. Volpe, hereafter the lot, which conveyed and Great Neck, over such a large of said remaining land as shall be determined by said Ethel E. Volpe from time to time, in connection with others having a like right, recreational rights, and so on.

Right to pass, said rights over said private way between the land hereby conveyed and Great Neck Road, as set forth in Deed recorded in Book 26316, Page 317.

The courses and distances herein set forth are substantially as shown on "Plan of portion of land of Ethel E. Burgess of Great Neck, Wareham, July 5, 1953, Maxwell B. Snow, Esq., local Board of record".

subject to the conditions and covenants that it shall be used only for residential purposes that shall not be used for business or commercial purposes, and that no more than one dwelling shall be erected or maintained thereon. No other building shall be erected or maintained except a garage housing not more than two cars.

Measuring and intending to describe and convey that parcel conveyed to Sebastine Volpe and Ethel E. Volpe by deed dated June 2, 1958 and recorded in the Plymouth County Register of Deeds at Book 26316 page 317.

PARCEL 9 - 6 Spell Lane

The land in Weymouth, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a concrete tower in the westerly side of a private way leading easterly and northeasterly from Great Neck Road at the southeasterly corner of land now or formerly of Frank J. and Frances Dermody, thence running

SOUTH 67° 30' EAST 150 feet by said private way to a

concrete tower; thence

NORTH 89° 05' 30" WEST 145 feet by land now or

formerly of Ethel H. Burgess to a concrete tower at land now or formerly of Sebastian Vajpe and Ethel L. Vajpe; thence

NORTHEASTERLY along by said tower or corner of Vajpe to a concrete tower; thence

EASTERLY

39.95 feet by said tower or corner of said Vajpe to a concrete tower at the southwesterly corner of said land now or formerly of Dermody; area shown

NORTH

67° 32' 46" EAST 104.95 feet by said tower or corner of Dermody to the northwesterly corner of the lot shown as hereinafter described.

Containing 12,000 square feet more or less.

Said land is hereby conveyed together with the right to pass and regress to and over the same along land of said Ethel H. Burgess, between the lot here by conveyed to said Frank J. and Frances Dermody, over such portion of said remaining land as shall be designated by said Ethel H. Burgess in a time to come, in plain sight of the lot here by conveyed, the right to be exercised for pass only.

Said land is hereby conveyed with the right to pass and regress over a private way between the land herein conveyed and Great Neck Road, as set forth in the Deed recorded in Book 2670, Page 438.

The covenants and distances herein set forth are substantially as set forth in "Plan of portion of land of Ethel H. Burgess on Great Neck, Weymouth, July 5, 1953, Newell B. Snow, Esq. (not found of record)

Subject to the covenants and restrictions that it shall be used only for residential purposes that it shall not be used for business or commercial purposes, and that not more than one dwelling shall be erected or maintained thereon. No other building shall be erected or maintained except a garage, driveway and other outbuildings.

All other said restrictions, covenants, conditions, and terms shall remain in full force and effect.

The land here referred to is part of Great Neck, Massachusetts, and is shown in Parcel #1 of Book 2468, Page 100.

Meaning and intending to describe and convey the parcel conveyed to Subsection Volpe and Ethel E. Volpe by deed dated November 30, 1955 and recorded in the Plymouth County Registry of Deeds at Book 2468 page 100.

PARCEL 12

Four certain portions of land situated in that part of Wareham, Plymouth County, Massachusetts, known as Great Neck, with the buildings thereon, described as follows:

Parcel #1 - 12, 13 & 14 Over Jordan Road

For A Lot B and Lot C as shown on a plan entitled "Division of Parcel Over Jordan Road" by Solomon Volpe and Ethel Volpe, Great Neck, Wareham, Mass., recorded in the Plymouth County Registry of Deeds at Book 2468, Page 100.

For A certain 27,000 square foot more or less, Lot B containing 2,242 square feet more or less and Lot C containing 25,457 square feet more or less, all according to said plan.

Parcel #2 - 15 Over Jordan Road

Parcel #2 is situated on the east side of the Ethel H. Burgess, Over Jordan Road, Great Neck, Wareham, Massachusetts, and is shown in Parcel #2 of Book 2468, Page 100, recorded in the Plymouth County Registry of Deeds at Book 2468, Page 100.

Parcel #2 contains 1.73 acres more or less according to said plan.

Said parcels are hereby conveyed together with the right to pass and repass in and over said Over Jordan Road between said parcels and the public road known as Great Neck Road in connection with others having a like right.

Said parcels further described in the vesting deed as follows:

Four parcels of land situated in that part of Wareham, Plymouth County, Massachusetts, known as Great Neck, with the buildings thereon, bounded and described as follows:

Parcel #1 - 12, 13 & 14 Over Jordan Road

Beginning at a concrete barrier in the northern line at Over Jordan Road at the westerly corner of said barrier or Kennedy or Anna E. Hall;

thence run N 82° 17' 30" E 43' 00" West one hundred forty-seven and three tenths feet to Over Jordan Road; thence run S 82° 17' 30" E 43' 00" West one hundred forty-seven and three tenths feet to the barrier; and

0276.66) feet by 55.67 feet Jordan Road to a concrete four-foot
 fence North 29° 27' 20" West one hundred forty and 40/100 (130.40)
 feet by remaining land of Edith H. Burgess to a concrete house,
 thence North 47° 16' 20" West, two hundred eight and 38/100 (208.35)
 feet by remaining land of Ethel H. Burgess to a concrete house;
 thence South 85° 45' 00" East, two hundred seventy-five and 08/100
 (275.08) feet by remaining land of Ethel H. Burgess to a concrete house;
 thence North 50° 24' 00" East, sixty-eight and 10/100 (68.10) feet by
 said land now on the title of Anna E. Hale to a concrete house,
 thence South 30° 36' 00" East, one hundred seventy-five and 28/100
 (175.28) feet by corner of Anna E. Hale to the point of beginning
 containing 2.17 acres, more or less.

Parcel #2 - 4.5 Over Jordan Road

Beginning at a stake located in the southerly line of Over Jordan Road at the
 northeasterly corner of land now on the title of Lotie B. Hewitt;
 thence on a line South 56° 56' 30" East, eighty and 78/100 (80.78) feet
 by Over Jordan Road to a stake
 thence North 16° 17' 00" East, two hundred eighty and 66/100
 (280.66) feet to a concrete house and one meter for a street all in the corner
 formerly of Lotie B. Hewitt;
 thence South 28° 05' 00" East, eighty-nine and 22/100 (89.22) feet
 by said land now on the title of Lotie B. Hewitt to a stake
 thence South 75° 00' 00" East, two hundred and one (201) feet, more
 or less, to great Elm corner of land on North 10th St.
 thence southeasterly to two hundred seventy and one (270.01) feet, more
 or less, by the waters of Shefferson Bay to said land now on the title of Lotie B.
 Hewitt;
 thence South 87° 58' 10" West, seventy-five and one (75.01) feet, more or less, to a
 stake;
 thence South 03° 56' 30" West, eighty-two and 78/100 (82.78) feet by said land of
 Hewitt to a stake;
 thence South 82° 58' 30" West, fifty-nine and 50/100 (59.50) feet by
 said land of Hewitt to a concrete house; and
 thence North 75° 30' 30" West, one hundred seventeen and 55/100
 (117.55) feet by said land of Hewitt to the point of beginning,
 containing 2.17 acres, more or less.

Each said parcel are hereby conveyed together with the right to pass and
 repass on and over and over Jordan Road between said parcels and the public
 road known as Great Neck Road in common with others having a like right.
 Said parcel 2 is subject to any and all public rights existing in and over
 the same to have mean high water mark.

All of the corners, distances and bearings mentioned in the foregoing
 descriptions of said parcels and the land thereon are as shown on a plat of land
 and water together with a plat of water, filed for record in the County of York, State of
 September 1, 1909, and R. Rowley, surveyor, recorder and

land of Deane; thence 50 feet more or less in a straight line by land of Deane; thence

North by a straight line by land of Deane to a bound of Murray;

thence

South 45° 14' 30" West 76 feet by land of Murray to a bound; thence

North 32° 14' 30" West 173.00 feet by land of Murray to a bound; thence

North 36° 08' 25" East 122.00 feet by land of Murray to a bound; thence

North 18° 30' 30" West 61.21 feet by said Bulluck's land to a corner bound; thence

North 41° 53' 30" East 94.29 feet by said Bulluck's land to a corner bound; thence

North by a straight line by said private way

to land of Volpe; thence

South 71° 29' 30" West 293.00 feet more or less by said land of Volpe

to a bound of the aforesaid corner

thence

North 18° 14' 15" West 121.50 feet by said land of Volpe and by

land of Volpe to the north to a bound by

the southern angle line of a private way

called Deer Lodge Run; thence

South 54° 34' 00" West 290.00 feet by said land to a bound; thence

South 50° 52' 30" West 107.00 feet by said land to a bound; thence

South 42° 49' 30" East 100.00 feet by said land to a bound; thence

South 61° 51' 30" East 81.50 feet by said land of Ethel H. Burgess to a

bound; thence

South 70° 03' 50" East 122.00 feet by remaining land of Ethel H. Burgess to a

bound at said land of Thaddeus; thence

North 11° 46' 30" East 113.15 feet by said land of Thaddeus to a

stone bound; and thence

South 50° 36' 53" East 330.00 feet by said land of Thaddeus to the point of beginning

Containing 16.61 acres more or less.

All of said boundaries, courses and distances are as shown on "Plan of Land to

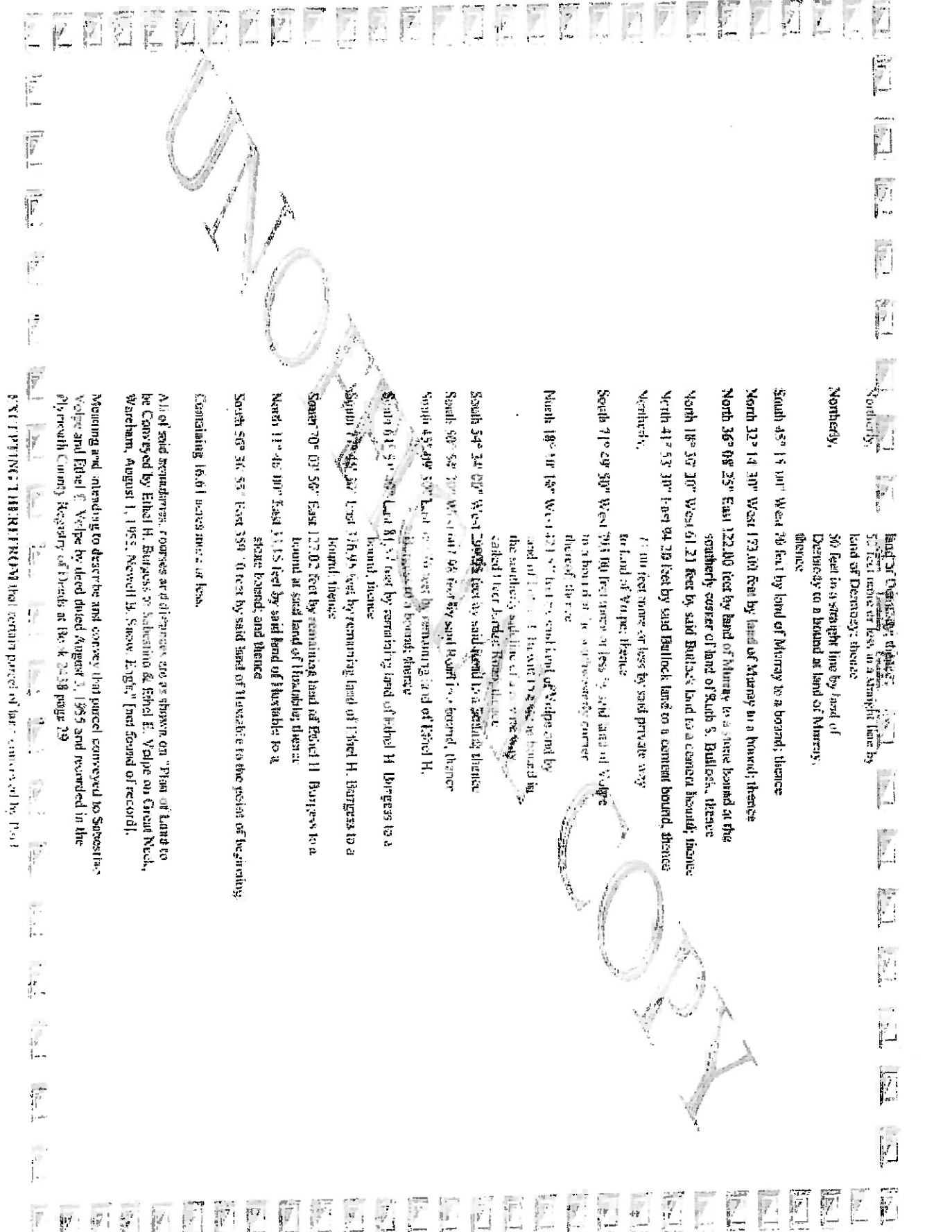
be Conveyed by Ethel H. Burgess to Katherine & Ethel E. Volpe on Grant Neck,

Wareham, August 1, 1955, Record B, Snow King," first found of record.

Nothing and intending to describe and convey that parcel conveyed to Katherine

Volpe and Ethel E. Volpe by deed dated August 1, 1955 and recorded in the

plymouth County Registry of Deeds at Book 2438 page 79



Vertical boundary with the village of Frank and Margaret
born of, dated December 10, 1902, recorded in Book 1137, page 171, and
shown as "parcel A" containing 1.735 square feet of land, more or less, as
shown on a plan entitled, "Approved New Rear of Old, Deacon for Frank
M. & Margaret A. Desmond Warehouse, Mass. Scale 1" = 20' July 11, 1902
Prepared by Overport Development Co. Land Surveying Services 750 Beacon
Street, Boston, Massachusetts, N.E. 47340," recorded in plan B733 of 1902, p.
from Book 35, page 673, and bounded and described as follows:

The land situated in Wrentham, Plymouth County, Massachusetts, described as follows:

Beginning at a concrete monument hole on the northwesterly corner
of the premises herein conveyed, and thence running

N 45° 15' 00" E by the land of Charles F. & Winifred G. Murray as shown on a
plan for 70 60 feet to a concrete monument hole for a fence terrace and parking

S 19° 40' 00" E by the land of Frank H. & Margaret A. Desmond as shown on a
plan for 50 00 feet to a point thence southerly S. of 2° 45' 00" E a distance of 10 feet
then by the same to a concrete monument hole, it then turning a westerly

S 63° 26' 00" W by the land of Robert A. Adams as shown on said plan
thence to a monument hole, it then turning and running

N 10° 53' 10" W by the land of Robert A. Adams as shown on said plan
a distance of 26 00 feet to the point of beginning.

RECORDED

Volume and Date of Vol. by deed dated June 2, 1958 and recorded in the Plymouth County Register of Deeds at Book 2876 page 438.

PARCEL 10 - 16 Small Lane

The tract in Wareham, Plymouth County, Massachusetts, situated on the southerly shore of Shell Point Cove, bounded and described as follows:

Beginning at a cement bound in the westerly sideline of a private way at land now or formerly of Joseph J. and Margaret B. Hanzl;

thence running South 38° 06' West, ninety-nine and 65/100 (99.65) feet by said Heard land to a stone bound;

thence North 76° 1' West, sixty-one and 1/100 (61.01) feet by land formerly owned by Joseph J. Burgess to a cement bound;

thence North 43° 55' East, ninety-four and 25/100 (94.25) feet by other land formerly of Joseph H. Burgess to a cement bound in the westerly sideline of a private way; and

thence South 78° 30' East by said private way to the point of beginning.

Together with any right to use the boat landing on the shore property of Joseph H. Burgess in the West in common with said land in the signs of said Joseph H. Burgess so far as the same is in force and effect, there to go and then in Deed recorded in Book 2873 Page 36.

Meaning and intention of the words and signs of the parcel conveyed to Sebastian Volpe and Ethel E. Volpe by deed dated June 11, 1958 and recorded in the Plymouth County Register of Deeds at Book 2578 page 18.

PARCEL 11 - 9 Shell Lane

The land in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a concrete bound in the easterly sideline of a private way known as Shore Road on or near Burgess Point at the southerly corner of and recently conveyed to said Sebastian Volpe and Ethel E. Volpe by deed from Arthur Ryan, said concrete bound being distant about 50 feet southerly from land of Winifred Varnoy measured along said private way; thence running:

- North 41° 06' 30" East 257 feet more or less by said land formerly of William Ryan to mean low water mark of Shell Point Cove, thence
- Southerly 25 feet more or less by Shell Point Cove to a point for a corner; thence South 41° 06' 30" West 260 feet more or less by remaining land of Ethel E. Burgess to said private way; and thence
- North 27° 48' 00" West 27.63 feet by said private way to the point of beginning.

Together with the right to pass and repass over and over said private way between

Meaning, and intending to describe and convey the parcel conveyed to Substantia Volpe and Ethel E. Volpe by deed dated September 26, 1936 and recorded in the Plymouth County Registry of Deeds at Book 2570 page 341.

PARCEL 13 - 11 Shell Lane

The land, together with the buildings thereon, situated in Weymouth, Plymouth County, Massachusetts, in that part known as Burgess Point bounded and described as follows:

Beginning at a stake and stones in the northerly sideline of Shore Road, it being the southeasterly corner of the within described premises;

thence running North 26 degrees West in the northerly line of Shore Road, fifty and one (50.01) feet to a point in a corner;

thence running and running by land of William and Murray, North 36 degrees 30 minutes East one hundred seventy and one (170.01) feet to a point in a corner;

thence northing in the same course, South 34 degrees 30 minutes East to a point in a corner;

thence running East on a line of 100 feet to a point in a corner;

thence running and running South 15 degrees West to a point in a corner;

thence running and running North 15 degrees West to a point in a corner;

thence running and running North 15 degrees West to a point in a corner;

thence running and running North 15 degrees West to a point in a corner;

PARCEL 14 - 5 Quail Jordan Road

The land in Weymouth, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a stone bound on the westerly sideline of a private way at the easterly corner of land of Ralph W. and Virginia R. Hustable; thence running

Northerly, 177.00 feet more or less by said private way to a stake, thence

Northerly, 145.00 feet in a straight line to a stake; thence

Northerly, 170.00 feet to a stake; thence

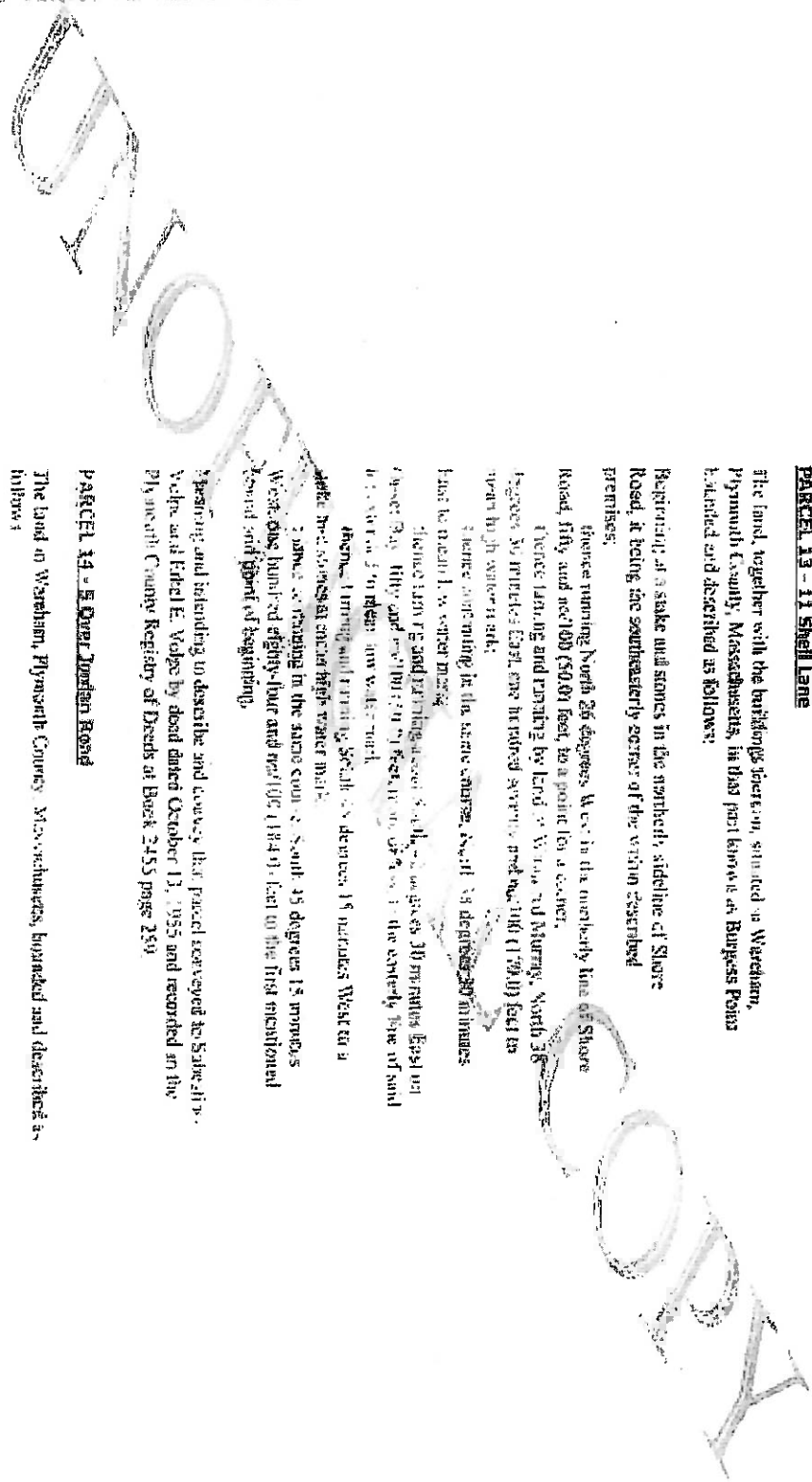


EXHIBIT C



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Building Commissioner

TJP Realty LLC
19 Over Jordan Rd
Wareham, MA 02571

July 21, 2021

RE: 14 Over Jordan Road. (Raze and reconstruct)

Map # 20, Lot # 1017/B

I have reviewed your application to modify the existing structure at 14 Over Jordan Road, in Wareham, MA. The proposal is not in compliance with current zoning regulations and must be denied at this time.

After careful review of your application, it is my understanding that you would like to raze your existing dwelling in order to reconstruct a new single family dwelling on the same site. The parcel lacks adequate area and frontage, and there are coastal wetland across the rear of the site. The proposed structure remains nonconforming; however, the proposal is a less nonconforming structure than what currently exists. You must apply for and secure a Special Permit from the Zoning Board of Appeals in order to proceed with this request. If the Board finds that the project will result in a substantial detriment to the neighborhood, a Variance will be required.

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

- **Article 6, Table 621, Residential Districts:** The proposed residential dwelling does not comply with the front yard setback requirement of 60', in the R-60 zoning district.
- **Article 13 Section 1355 Non-conforming Structures:** A lawfully preexisting nonconforming residential structure may be demolished and reconstructed by way of Special Permit, provided that the Board of Appeals determines:

- 1) The replacement structure will not be substantially more detrimental to the neighborhood than the existing structure.
- 2) Replacement of the structure will not cause or contribute to any undue nuisance, hazard, or congestion in the neighborhood, zoning district, or town.
- 3) The replacement structure will not intensify any of the following existing non-conformities: building coverage, impervious coverage, or setback encroachment.
- 4) The replacement structure will not create any new non-conformities.

If the Zoning Board finds that the proposal will result in a substantial detriment to the neighborhood, or that it is not in compliance with any of the aforementioned criteria, a Variance will be required.

You must bring this letter to the Zoning Board office and apply for a hearing where you will request the necessary relief as mentioned above. If you are successful, you will be required to wait 20 days for the statutory appeal period to lapse; you will then need to record the ZBA decision with the Plymouth County Registry of Deeds; then apply for a new building permit to construct the addition and perform the work in accordance with the zoning approval. The existing permit application has been denied and will not be reopened to perform the requested work.

The subject dwelling is located in the 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 §§ 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

EXHIBIT E



Over Jordan Rd

Over Jordan Rd

14 Over Jordan Rd,
Wareham, MA 02571

Over Jordan Rd

Over Jordan Rd

12

Over Jordan Rd

Over Jordan Rd

14 Over Jordan Rd,
Wareham, MA 02571



Over Jordan Rd

Over Jordan Rd

Google





Over Jordan Rd

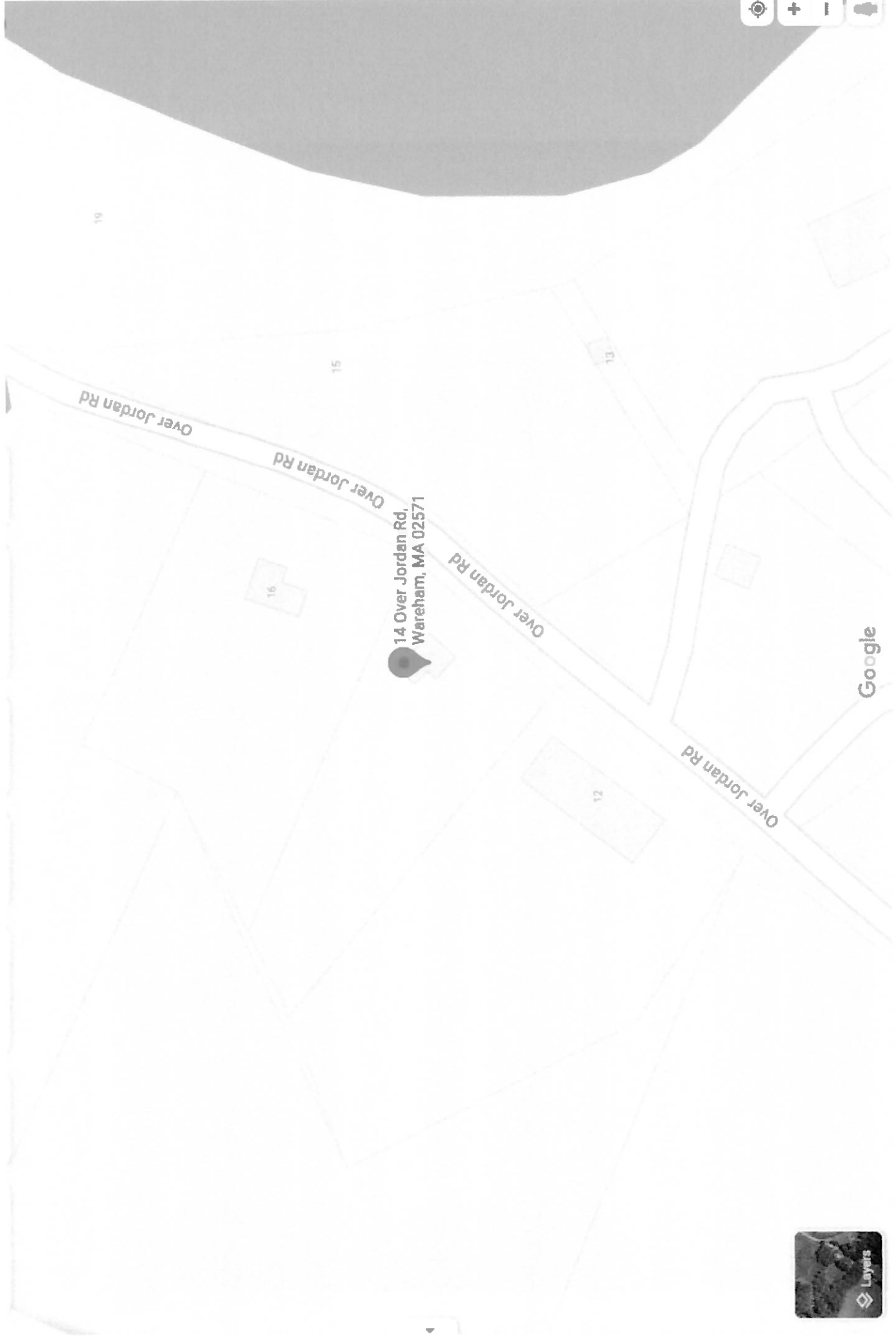
Over Jordan Rd

Over Jordan Rd

Over Jordan Rd

14 Over Jordan Rd,
Wareham, MA 02571

12



14 Over Jordan Rd,
Wareham, MA 02571

Google

