

THE COMMONWEALTH OF MASSACHUSETTS

WAREHAM TOWN CLERK
2021 OCT 21 PM 3:32

Town of Wareham

BOARD OF APPEALS

Petition No. : 49-21

Book: 51249 Page: 0227

Date: October 21, 2021

Certificate of Granting of Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Wareham hereby certifies that a Special Permit has been granted:

To: TIP Realty LLC

Address: 310 Kenneth Welch Drive

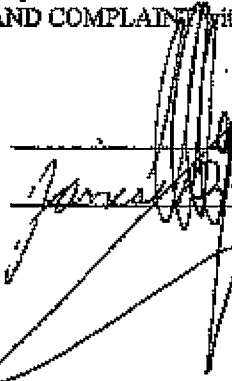
City or Town: Lakeville, MA

Affecting the rights of the owner with respect to land or buildings at 14 Over Jordan Road, Assessor's
Map 20, Lot(s) 1017/BA

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the ZBA, Conservation Commission, and the Town Clerk.


The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of the registered decision shall be returned to the Board of Appeals as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court of Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT within twenty (20) days of the date of filing of this decision.



Chairman
Clerk

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40 A of the Massachusetts General Laws.



Town Clerk

Property Address: 14 Over Jordan Road, Wareham, MA
Plymouth Registry of Deeds Book 51249, Page 227

TOWN OF WAREHAM
Board of Appeals
CLERK'S RECORD OF NOTIFICATION

WAREHAM TOWN CLERK
2021 OCT 21 PM 3:32

No. 49-21

Petition of: TJP Realty, LLC

Location of Property: 14 Over Jordan Road

Date of Notification of Hearing: September 23, 2021 & September 30, 2021

Date of Hearing: October 13, 2021

Date of Notification of Decision: October 21, 2021

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

James P. Fairbrother
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.....

Board of Appeals

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.

Michelle Bessone
Town Clerk

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

FINDINGS AND DECISIONS

PETITION: 49-21

APPLICANT: TJP Realty, LLC

OWNER: same

OWNER ADDRESS: 310 Kenneth Welch Drive, Lakeville, MA 02347

SUBJECT PROPERTY ADDRESS: 14 Over Jordan Road, Wareham, MA

SUBJECT PROPERTY PARCEL: Map 20, Lot 1017/B

DATE OF PUBLIC HEARING: October 13, 2021

DATE OF NOTICE: October 21, 2021

RE: DECISION ON APPLICATION FOR SPECIAL PERMIT OR VARIANCE

49-21 – Special Permit – 14 Over Jordan Road – Map 20, Lot 1017/B

PETITIONER: TJP Realty, LLC, 14 Over Jordan Road, Wareham, MA 02571

The Petitioner was before the Zoning Board of Appeals on October 13, 2021, pursuant to a Denial Letter issued by the Building Commissioner on July 21, 2021, who determined that the Petitioner's plan to construct a new single-family dwelling where a pre-existing non-conforming structure is located required a Special Permit from the Zoning Board of Appeals under Article 13 Section 1355. The Commissioner noted the proposed dwelling does not comply with the front setback requirement of 60' in the R-60 district. As such, the owner petitioned for relief to the Zoning Board of Appeals. At the hearing, the Board finds that the Petitioner is properly before the Zoning Board of Appeals and that the Board finds that the Special Permit should be issued.

The Board finds the following:

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 nonconformities.

Based upon the above the Board votes to grant the Petitioner the Special Permit to raze the existing structure and build the new single-family home as approved on the Site plan by G.A. F. Engineering labeled "Job 19-9295" dated February 6, 2020, and architectural plans by Longfellow Design and build labeled 12, 14,16 Over Jordan Road dated November 3, 2020, and submitted to the Board.

The Board issued this decision with standard conditions as follows:

- 1. Any relief not expressly granted hereunder is hereby denied.**
- 2. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and must bear the certification of the Town Clerk that twenty (20) days have elapsed, and no appeal have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board of Appeals.**
- 3. If substantial use or construction permitted by this Special Permit has not commenced within two years from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then this Special Permit shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit/ Variance does so at the risk that a court may reverse the permit & any construction performed under the permit may be ordered undone.**
- 4. Any person aggrieved by this decision of the Zoning Board of Appeals may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk will so certify.**
- 5. If the applicant wishes to modify the approved recorded plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for approval shall apply to such modification and a public hearing shall be required by the ZBA; provided, however, that the ZBA may determine that a proposed modification is insubstantial and approve the same with the need for any further ZBA approval.**

VOTE: (5-0-0) By the Wareham Zoning Board of Appeals.

TOWN OF WAREHAM ABUTTERS							
MAP 20 LOT 1017/B							
OWNER TJP REALTY LLC							
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE	
20-1019/A	SASS JOSEPH A		5 JAMES DR	WAREHAM	MA	02571	
20-101D	CURRY-MCKEON BRENDA R TRUSTEE	BRENDA R CURRY-MCKEON REV LIV TR	23 SALT MARSH LN	WAREHAM	MA	02571	
20-1017/B	TJP REALTY LLC		310 KENNETH WELCH DR	LAKEVILLE	MA	02347	
CERTIFIED ABUTTERS AS THEY							
APPEAR ON OUR TAX ROLLS							
AS OF 1/1/2023							
<i>By: Joseph Sasso</i>							
ASSESSORS OFFICE							
REQUESTED BY							
JILLIAM MORTON							
508 295-2522							
JAM@MORTONJAWLLC.COM							