
The Law Offices of Bello & Morton, LLC

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

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 1, Lot 66, 15
South Boulevard, Wareham (Onset), MA 02558**

1. Petitioners:

Angelo G. Salvatore and Melody J. Salvatore
340 Fruitland Road, Barre, MA 01005

2. Recorded Owner:

Angelo G. Salvatore and Melody J. Salvatore, Trustees of
The Quabbin Plaza Realty Trust u/d/t August 31, 1992, 340 Fruitland Road,
Barre, MA 01005

3. Certified Abutters List:

Copy attached as Exhibit A.

4. Current Deed and Trust Documents:

Plymouth County Registry of Deeds Book 269740, Page 832713 (Deed) Exhibit B.

5. Building Commissioner's Denial Letter:

Denial Letter dated July 20, 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.

7. Architecture:

See the attached Architectural Renderings as Exhibit E as accompanying evidence for the allowance of this petition.

8. Letter of Intent

Dear Mr. Chairman,

I represent the applicants Salvadore Family re the above application for a Variance on their proposed rebuild of their home on 15 South Boulevard here in Wareham.

Background:

The Owners of the property located at 15 South Boulevard are looking to raze and existing dwelling on their property to make the property functional, bring it up to date and work for their family. The home has been in the family since 1998 when my clients father purchased the property. The property is located on the Onset Buff overlooking the Towns beautiful waterfront.

Commissioners Denial Letter:

The Commissioners letter dated July 20, 2021 notes 5 issues with the property but several have changed in the update plans submitted. The new nonconformity of the 622 Village Districts: Rear Yard Setback required has been altered - so should be omitted. Also the Impervious coverage was altered to allow for under the 50% using crushed shells in the driveway.

The existing items we are looking for relief from are as follows:

- 622 Village Districtures Building Coverage permitted, 20%,
- 628 Small Lots in Village District, FAR permitted, 25%,
- 622 Village Districts Side Yard Set back, 10'

Wareham Zoning Bylaws:

Under Section 1355, the new build will be intensifying the nonconformities thus the proper standard when reviewing this application is under the Variance standard Section 1470 of our bylaw not under the Special Permit threshold.

1470 VARIANCES

The Board of Appeals shall have the power to hear and decide applications for Variances from the provisions of the Zoning By-Laws, including the power to grant a Variance authorizing a Use or activity not otherwise permitted in the district in which the land or structure is located. A Variance may be granted when factors relating to soil conditions, lot shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a site or location that previously conformed to zoning requirements. An applicant must demonstrate that a literal enforcement of the By- law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief 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 by-law.

Legal Standard as Applied to our case:

It is important to lay out the edits to the submittal for the Board to review of the actual percentages the applicant is seeking for Variances.

The Actual current plans give a Zoning table of the intensifications of existing non conformities:

EXISTING BUILDING COVERAGE ;			PROPOSED BUILDING COVERAGE ;		
STRUCTURE ;	1,149 SQ.FT.	29.26%	STRUCTURE ;	1,933 SQ.FT.	47.06%
SHED ;	36 SQ.FT.	00.01%	STEPS/LNDC ;	54 SQ.FT.	1.38%
<hr/>			<hr/>		
TOTAL ;	1,185 SQ.FT.	29.27%	TOTAL ;		48.44%
EXISTING IMPERVIOUS COVERAGE ;			PROPOSED IMPERVIOUS COVERAGE ;		
PAVEMENT ;	570 SQ.FT.	14.51%	PAVEMENT ;	0 SQ.FT.	0.00%
CEM. CONC.;	514 SQ.FT.	13.09%	CEM. CONC.;	96 SQ.FT.	2.44%
<hr/>			<hr/>		
TOTAL ;	1,084 SQ.FT.	27.60%	TOTAL ;		2.44%
<hr/>			<hr/>		
TOTAL LOT COVERAGE ;		56.87%	TOTAL LOT COVERAGE ;		50.88%

The Building coverage would be going from 29.27 % to 48.44%.

The Existing Impervious coverage would be going from 27.60% to 48.44%, therefore under the impervious surface permitted standard coverage in our zone.

The Variances should be reviewed under the following standards:

1. **Soil conditions, lot shape, or topography of such land warrants the Variances approved:**

Onset Village as we have seen in the last several years is thriving with rebuilds and improvements to older cottages. This build will be no different: the original home was a small

cottage which had additions added throughout the years, but the construction is flawed and not practical for the applicants and their family. The property is situated between Pleasant Avenue and South Boulevard, its immediate lot shape situated between these two streets warrants a creative solution to building an updated property. The garage will allow for the client to park their vehicles and driveway space for the same. Its shape lends itself to the need for increase in building coverage for the home. The side yard setback is also due to the lot shape. The architect has noted on the plan the average front yard setback is over 10' in this immediate area, due to these homes being set out on the bluff surrounded by streets.

2. Hardship to the Petitioner if Literal Enforcement of the By-Laws:

If my clients are denied these Variances, they are seeking then they will be unable to use their property to the fullest and make necessary repairs to the property and add a garage to their property which is much needed. Other abutters have been granted such approval and the abutters nearby have been through this process to get approvals. The Petitioners have considered the importance of this area and the view of neighbors as well.

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

This new build will only increase property values in the area and allow of the Petitioners to renovate the property to bring it to its glory. We want thoughtful builds in this historic area that are planned with the surrounding neighbors in mind which is what the Petitioners have created here.

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 this unpractical home which desperately needs it as well as keep the integrity of the neighborhood. Keeping in harmony with our town's bylaws and the nature of the builder's design and vision, this project would be of value to Wareham.

All things considered allowing these Variances would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law.

Respectfully Submitted,

By 
Julian A. Morton, Esquire

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: 15 South Boulevard MAP: 1 LOT: 66

ZONING DISTRICT: OV-2

USE REQUESTED: Single family home

OWNER OF LAND & BUILDING: Angelot Melody Salvadore TEL.# 508-295-252

ADDRESS OF OWNER: _____

PERSON(S) WHO WILL UTILIZE PERMIT: Trustees of the Quabbin Area Realty TRUST

ADDRESS: 340 Fruitland Road, Barre, MA 001005

DATE: 8/19/2021 SIGNATURE: [Signature]

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: _____

c/o Attorney Jillian Marten

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: The Quabbin Plaza Realty TRUST c/o

Applicant's Address: Attorney Jilian Morton, 184 Main Street

Telephone Number: Wareham, MA 02571 508-295-2522

Cell Phone Number: N/A

Email Address: j.am@mortonlawllc.com

Address of Property/Project: 15 South Boulevard, Onset, MA 02555

Landowner's Name: Angelo + Melody Salvadore, Trustees of the Quabbin Plaza Realty TRU

Owner's Address: 340 Fruitland Road, Barre, MA 01005

Telephone Number: 508-295-2522

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

Map 1 Lot 66 Zone OV-2

Date Approved _____ Date Denied _____

Comments: _____

EXHIBIT A

TOWN OF WAREHAM ABUTTERS								
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE		
MAP 1 LOT 66	OWNER SALVADORE ANGELO G + SALVADORE MELODY J TRUSTEES							
1-1048	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571		
1-37	KEOUGH ROBERT P		4 BUTLER ST	DORCHESTER	MA	02124		
1-38	SABER NICHOLAS C		429 WASHINGTON STREET	WESTWOOD	MA	02090		
1-44	SWEENEY JOSEPH A TRUSTEE		50 GUERNSEY ST	ROSLINDALE	MA	02131		
1-45	REIS JOHN L + ELIZABETH M TRS		26 WEST CENTRAL AVE 2019 REALTY TR	ONSET	MA	02558		
1-62	SARAIVA MICHAEL T JR		PO BOX 1388	ONSET	MA	02558		
1-65	MALOIT BARBARA A		16 PRINCE ROGERS WAY	MARSHFIELD	MA	02050		
1-66	SALVADORE ANGELO G		SALVADORE MELODY J TRUSTEES	BARRE	MA	01005		
1-67	GOMES ANTONIO TRUSTEE OF		FRUITLAND RD	E. WAREHAM	MA	02538		
1-68	CODERRE ROBERTA A		24 SHANGRI-LA BLVD	ONSET	MA	02558		
1-69	GERALD ELIZABETH A		PO BOX 1605	ONSET	MA	02558		
1-82/B	GOMES ANTONIO TRUSTEE OF SOUTH		24 SHANGRI-LA BLVD	E WAREHAM	MA	02538		
1-81	HAYES ROBERT W		PO BOX 538	HANSON	MA	02341		
CERTIFIED ABUTTERS AS THEY								
APPEAR ON OUR TAX ROLLS								
AS OF 5/15/2021								
ASSESSORS OFFICE								
REQUESTED BY								
JILLIAN MORTON								
JAM@mortonlawllc.com								

EXHIBIT B

BK 16355 Pg 329

B4019
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
JUL 19 1998 09:53 PM
JOHN W. MORGAN
REGISTRAR
Ply 16355 Pg 329

QUITCLAIM DEED

We, Laurence G Blacker and Linda J Blacker, husband and wife, as tenants by the entirety, both of Onset, Plymouth County, Massachusetts

for consideration paid, and in full consideration of \$150,000.00

grant to Angelo G Salvatore and Melody J Salvatore, Trustees of the Quabbin Plaza Realty Trust w/d/t dated August 31, 1992 to be recorded herewith with quitclaim covenants

(Two signers and equivalent, if any)

A certain parcel of land, together with all buildings and improvements thereon, in that part of Wareham, in the County of Plymouth, Massachusetts, known as Onset, being shown as Lot 66 on Plan of "Subdivision of Lots 65 & 66 at Onset in the Town of Wareham, Mass., Scale 1" = 20' March 23, 1950, Walter L Rowley, Sr., West Wareham, Mass., recorded with Plymouth County Registry of Deeds, and further bounded and described as follows:

COPIES

BK 16355 PG 330

LOCUS: 12 South Boulevard, Orest, MA 02558
GRANTEE'S ADDRESS: Fruitland Road, Barre, MA 01005

Beginning at the most Westerly corner of the lot to be described, at a drill hole in the concrete walk and the Southwesterly line of Pleasant Avenue, said drill hole being situated North 49° 30' East, 6.15 feet from a drill hole that marked the original lines of Lots #65 and #66, thence running still
NORTH 49° 30' EAST, in said Southeasterly line of Pleasant Avenue, 41.45 feet to a point and corner, thence, turning and running

SOUTH 40° 30' EAST, in the Southwesterly line of Lot #67, 75 feet to a stone bound, being the most Easterly corner of the lot herein described, thence, turning and running

SOUTH 49° 30' WEST, in the Northwesterly line of Lot #83, 50 feet to a point and corner, thence

SOUTH 40° 30' EAST, 8.23 feet in line of Lot #83 to a drill hole in the concrete walk and Northerly line of South Boulevard, thence

WEST, 11.83 feet in the Northerly line of South Boulevard to another drill hole in a stone wall now marking the new boundary and line of Lots #65 and #66, thence,

NORTH 29° 30' WEST, 74.67 feet crossing the original line of Lots #65 and #66 to the drill hole and point of beginning first mentioned. Containing 679.26 square feet, more or less.

Together with all rights, privileges and easements requested therewith and subject to restrictions and easements of record and are hereby conveyed subject to any restrictive and zoning law requirements which may be in force and applicable.
For title reference see deed of Jeffrey S. Blacker, Twp. dated July 6, 1975 and recorded with Plymouth County Registry of Deeds in Book 13718, Page 009

Witness our hands and seals this 30th day of June, 1998

CANCELLED

DEEDS
PLY
#6/30/98
TAX 664.00
CHK 64.93
13:10
EXCISE TAX 55364800

The Commonwealth of Massachusetts

Laurence G Blacker
Laurence G Blacker
Linda Blacker
Linda Blacker

JUNE 30, 1998

Then personally appeared the above named Lawrence G Blacker and Linda J Blacker and acknowledged the foregoing instrument to be their free act and deed before me.

Shirley Kelly
Shirley Kelly, Notary Public
My commission expires 02/21/02

END OF INSTRUMENT

EXHIBIT C



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

Anthi Frangiadis
36 North Water Street
New Bedford, MA 02740

July 20, 2021

RE: 15 South Boulevard

Map # 1, Lot # 66

I am I receipt of your building permit application to raze your existing dwelling and reconstruct a new, more non-conforming single family structure on the same site. The proposed dwelling intensifies existing setback, building coverage, impervious coverage, and floor area ratio non-conformities; as well as creates a new rear yard setback non-conformity. Your proposal requires additional relief and approval from the Zoning Board of Appeals and must be denied at this time.

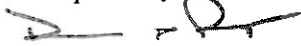
The following review and or relief must be secured prior to re-application for a building permit:

CODE SECTION	DESCRIPTION	RELIEF
622 VILLAGE DISTRICTS: IMPERVIOUS SURFACE PERMITTED, 50%	Intensification of existing non-conformity from 56.87% to "TBD"	Zoning Board Special Permit pursuant § 1355 (1-4), or a Variance in the alternative Pursuant to & 1356
622 VILLAGE DISTRICTS: BUILDING COVERAGE PERMITTED, 20%	Intensification of existing non-conformity from 29.27 % to 50.6%	Zoning Board Special Permit pursuant § 1355 (1-4), or a Variance in the alternative Pursuant to & 1356
628 SMALL LOTS IN VILLAGE DISTRICTS. FLOOR AREA RATIO PERMITTED, 25%	Intensification of existing non-conformity from 40.79 % to 95.6%	Zoning Board Special Permit pursuant § 1355 (1-4), or a Variance in the alternative Pursuant to & 1356
622 VILLAGE DISTRICTS: REAR YARD SETBACK REQUIRED, 10'	New non-conformity from 25'+- to 6.3'.	Zoning board Variance pursuant to § 1357
622 VILLAGE DISTRICTS: SIDE YARD SETBACK REQUIRED, 10'	Intensification of existing non-conformity from 9.1% to 4.1%	Zoning Board Special Permit pursuant § 1355 (1-4), or a Variance in the alternative Pursuant to & 1356

The above information was compiled based on the information and drawings provided to me along with the permit application. If there is any new information, or changes to this proposal, please provide them to me and I will amend my findings accordingly.

The subject structure is located in the OV-2 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