

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 16-23
Book: 51119 Page: 245
Date: May 25, 2023

Certificate of Granting a 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: Jeffrey M. Shaw

Address: 11 Bridgeview Lane

City or Town: Buzzards Bay, MA 02532

Affecting the rights of the owner with respect to land or buildings at 11 Bridgeview Lane, Buzzards Bay, MA 02532 Assessor's Map 5 Lots 1012 and 1013

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.

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.

James D. Escobedo
Chairman
Clerk

Debra A. Grand
Town Clerk
July 5, 2023

*** Electronic Recording ***
Doc#: 00042285
Bk: 58071 Pg: 109 Page: 1 of 5
Recorded: 07/05/2023 01:41 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

WAREHAM TOWN CLERK
2023 JUN 5 PM 3:36

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

No. 16-23

Petition of: Jeffrey M. Shaw

Location of Property: 11 Bridgeview Lane

Date of Notification of Hearing: May 4, 2023 & May 11, 2023

Date of Hearing: May 24, 2023

Date of Notification of Decision: May 25, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

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.

^{D6} _____
James D. Escobar

Olivia A. Grend
Town Clerk

July 5, 2023 Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS**Petition: 16-23****Applicant: Jeffrey M. Shaw****Owner: Jeffrey M. Shaw****Owner Address: 11 Bridgeview Lane, Buzzards Bay, MA 02532****Subject Property 11 Bridgeview Lane, Buzzards Bay, MA 02532****Subject Property Parcel ID: Map 5, Lots 1012 and 1013****Date of Public Hearing: May 24, 2023****Date of Notice: May 25, 2023****Decision/Reason:**

The applicant/owner is proposing to excavate, partial demolish and rebuild a pre-existing, non-conforming cottage in the R-43 zoning district. The proposed rebuild of the non-conforming cottage requires a Special Permit according to the Building Commissioner/ZEO based on the density and dimensional regulations in the Wareham Zoning Bylaws for principle residential buildings. After taking testimony at a duly noticed Public Hearing, the Zoning Board of Appeals found that the proposed project fits with the character of the existing area and does not create a substantial impact to the neighborhood.

Findings:

1. The subject property is located at 11 Bridgeview Lane, Buzzards Bay, MA 02532, on a public right-of-way, and comprises approximately 7,781 square feet of area in the R-43 zoning district. The minimum lot size for the district is 43,000 square feet for a single family dwelling unit and does not allow for two family dwelling units; which makes this property pre-existing non-conforming.
2. A single family dwelling unit and a cottage are located on the subject property.
3. The applicant is proposing to rebuild the cottage within the property line set-back.
4. The applicant is proposing to rebuild the cottage, thereby adding another unit in the R-43 zoning district where two-family dwelling units are not allowed.
5. The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-Law.
6. The Board found the proposal is not detrimental to the neighborhood.

Pursuant to G.L. c. 40A, s. 9 and Sections 1460 of the Zoning By-Law, after public hearings and findings of fact, the Zoning Board of Appeals, hereby GRANTS to the Applicant a Special Permit to excavate, partially demolish and rebuild the cottage within the set-back on the Subject Property where two family dwelling units are not allowed, in the R-43 zoning district, subject to the following conditions.

Conditions:

1. The site shall be developed according to the site plan prepared by Bracken Engineering, Inc., dated 4/5/2023 and presented to the ZBA on May 24, 2023.
2. Any relief not expressly granted hereunder is hereby denied.
3. Construction activities shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 4:00 p.m. on Saturdays. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris. and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above.

4. The Applicant shall implement dust control operations, in an approved manner, whenever necessary or when directed by the Building Commissioner. Methods of controlling dust shall meet all air pollutant standards as set forth by Federal and State regulatory agencies.
5. 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 appeals 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.
6. If substantial use or construction permitted by this Special Permit has not commenced within one year 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 does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.
7. 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.
8. If the applicant wishes to modify the approved Record Plans, the applicant 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 without the need for any further ZBA approval.

Mr. Elkallassi made a motion to close the public hearing; second by Mr. Semple. Vote to close public hearing 5-0-0.

Mr. Semple made a motion to approve the project as presented with conditions; second by Mr. Larson. The Board voted 4-0-1 (Ms. DeBonise abstained) to approve.

VOTE: (4-0-1) By the Wareham Zoning Board of Appeals to Approve

TOWN OF WAREHAM ABUTTERS						
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE		
MAP 5 LOTS 1013 + 1012	CAMILLERI KRISTYN TRUSTEE & COADY FAMILY TRUST	7 BRIDGE VIEW LN,	BUZZARDS BAY, MA	02532		
OWNERS JEFFREY M + MELANIE J SHAW	SHAW JEFFREY M, SHAW MELANIE J	11 BRIDGE VIEW LN,	BUZZARDS BAY, MA	02532		
	SHAW JEFFREY M, SHAW MELANIE J	11 BRIDGE VIEW LN,	BUZZARDS BAY, MA	02532		
	VELOZO GERALD, VELOZO THERESA	231 WORTH COURT NORTH,	W PALM BEACH, FL	33405		
	TEED WILLIAM C LIFE ESTATE,	21 ONSET AVE,	BUZZARDS BAY, MA	02532		
	ANDERSON ROBERT S, ANDERSON CATHERINE C	PO BOX 507,	ONSET, MA	02558		
	HOLE KATHRYN E,	3720 W 146TH ST,	HAWTHORNE, CA	90250		
	TOWN OF WAREHAM,	TOWN HALL,	WAREHAM, MA	02571		
	SULLIVAN PAUL R, SULLIVAN BEVERLY E	9 BRIDGE VIEW LN,	BUZZARDS BAY, MA	02532		
	KOWALIK LEO F JR & MARGARET M, KOWALIK LEO F III	30 ONSET AVE	BUZZARDS BAY, MA	02532		
CERTIFIED ABUTTERS AS THEY APPEAR						
ON OUR TAX ROLLS AS OF 3/8/2023						
<i>W. Renee Atkins</i>						
ASSESSORS OFFICE						
REQUESTED BY						
PENNI POMEROY						
508 833-0070						
PENNI@BRACKENENG.COM						