

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:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- 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: 19 Restful Lane MAP: 119 LOT: 368
ZONING DISTRICT: R130
USE REQUESTED: Single Family
OWNER OF LAND & BUILDING: Shirley Boyens TEL.# 727-535-4161
ADDRESS OF OWNER: 18675 US Highway 19 N, Lot 474, Clearwater, FL 33764
PERSON(S) WHO WILL UTILIZE PERMIT: Owner
ADDRESS: same
DATE: _____ SIGNATURE: Shirley Boyens
This application was received on the date stamped here:

WAREHAM TOWN CLERK
2021 JUN 3 PM 3:55

Town Clerk: Poulette Benoit Date: _____
Tax Collector: Poulette Benoit Date: 5/20/21
Planning/Zoning Dept.: Jana Raposo Date: 6/3/2021
Application fee paid: 300.00 Check #: 3330 Receipt: _____
Advertising fee paid: 100.00 Check #: 3331 Receipt: _____
Abutters fee paid: 88.29 Check #: 3332 Receipt: _____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: X Variance Special Permit Site Plan Appeal

Date stamped in: Date decision is due

Applicant's Name: Shirley Boyens formerly known as Shirley A. Stahmer

Applicant's Address: 18675 US Highway 19 N, Lot 474, Clearwater, FL 33764

Telephone Number: 727-535-4161

Cell Phone Number:

Email Address: mables@tampabay.rr.com

Address of Property/Project: 19 Restful Lane

Landowner's Name: Shirley Boyens

Owner's Address: 18675 US Highway 19 N, Lot 474, Clearwater, FL 33764

Telephone Number: 727-535-4161

Contact Person: Robert B. Feingold, Esq, Telephone Number: 508-999-1119
Email: bfreingold@rbflaw.net

Map 119 Lot 368 (formerly 368 and 369) Zone R130

Date Approved Date Denied

Comments:



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

June 3, 2021

Shirley Boyens
18675 US Highway 19N, Lot 474
Clearwater, FL 33764

I have reviewed your buildable lot inquiry for Lot 368 of Assessors Map 119.

Based on the information provided to me, it is my opinion that this lot does not meet the requirements of M.G.L. Chapter 40A, Sec. 6. Due to the following:

Lot 368 of Assessors map 119 was formerly held in common ownership with surrounding property and was merged for zoning purposes. You must secure a Variance from the Zoning Board of Appeals in order to proceed with your request.

Please feel free to contact me with any questions you may have.

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.

Sincerely,

David Riquinha
Director of Inspectional Services
Zoning Enforcement Officer

cc: Assessors Department

The applicant is requesting a variance from the dimensional requirements under Section 621 of the Zoning Bylaws for minimum lot area, minimum frontage and minimum front setback.

The applicant has owned this parcel of land since 1980 with the intention of building a single family residence for her retirement to be near her family or, if circumstances arose which would make that impractical, her intention has been to sell the land for retirement income. She is not a wealthy person.

This parcel is located on Restful Lane in the Shangri-La development which is a residential neighborhood consisting of single-family houses in a R130 zone. Please see Google Earth Photograph of the neighborhood, Exhibit A attached hereto. The square footage area of the parcels along Restful Lane range from 6,000 square feet to 13,000 square feet, with most frontages ranging from approximately 65 feet to 200 feet, and depths ranging from 70 feet to 100 feet. The subject parcel consists of 13,000 sf, more or less, has frontage of approximately 166 feet and an average depth of 75 feet. Please see, Exhibit A (portion of Assessors Map 119 which includes subject lot #368 – merger of lots 368 and 369) attached hereto. The subject parcel does not comply with the current dimensional requirements for R130 zones because she did not know the merger rules when she and her estranged husband conveyed the adjoining lots inadvertently merging the vacant lots (368 and 369) with the lots on which her home was located. She had always considered the lots on which her home was situated and the vacant lots (368 and 369) as totally separate.

Strict compliance with the dimensional requirements for R130 zones would prevent improvement of this parcel in a manner consistent with other properties in the area. Due to the size and shape of the lot, not granting the requested variance would prevent use of the land for a residential purpose and would create a severe hardship for the applicant because she could neither live on the property nor sell it. The parcel is better than many and in some respects most of the residential lots in the vicinity regarding minimum requirements, including square feet, frontage, and depth.

Granting a variance to allow the construction of a single family residence on this parcel would in no way be detrimental to the neighborhood or the public good. The construction of a single family residence on this parcel would be entirely consistent with the character of this neighborhood. The residential lots in this neighborhood are of similar size with some being significantly smaller. The development of the parcel would be beneficial to the neighborhood as it would stop people from using a vacant piece of land to abandon unwanted items. Please see, Exhibit C attached hereto.

A variance in this matter is required due to the circumstances relating to the soil conditions, shape and topography of the land uniquely affecting applicant's land and not affecting generally the zoning district in which it is located. There are few if any vacant lots available for development.

A literal enforcement of the provision of this zoning bylaw would inflict a substantial financial and personal hardship. Granting the variance rather than causing a substantial detriment to the public good, would in fact be an improvement to the neighborhood because the land is now currently being used as an occasional dump site by unknown trespassers. Witness the photograph attached.

The soil conditions, shape and topography are not suited to any other lawful use.

EXHIBIT A

Untitled Map

Write a description for your map.

Legend

📍 19 Restful Ln

📍 19 Restful Ln

500 ft

Google Earth

© 2021 Google

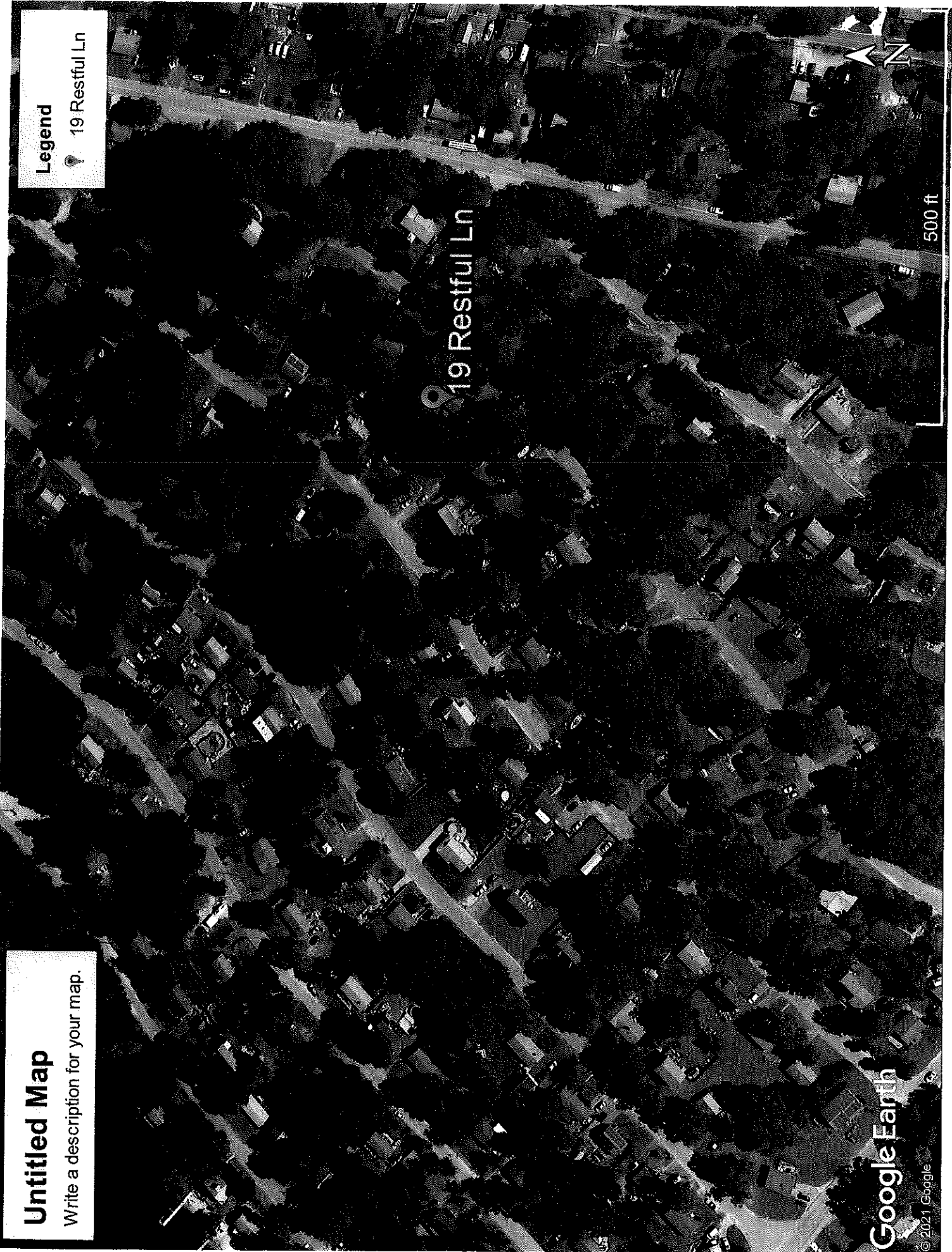


EXHIBIT B

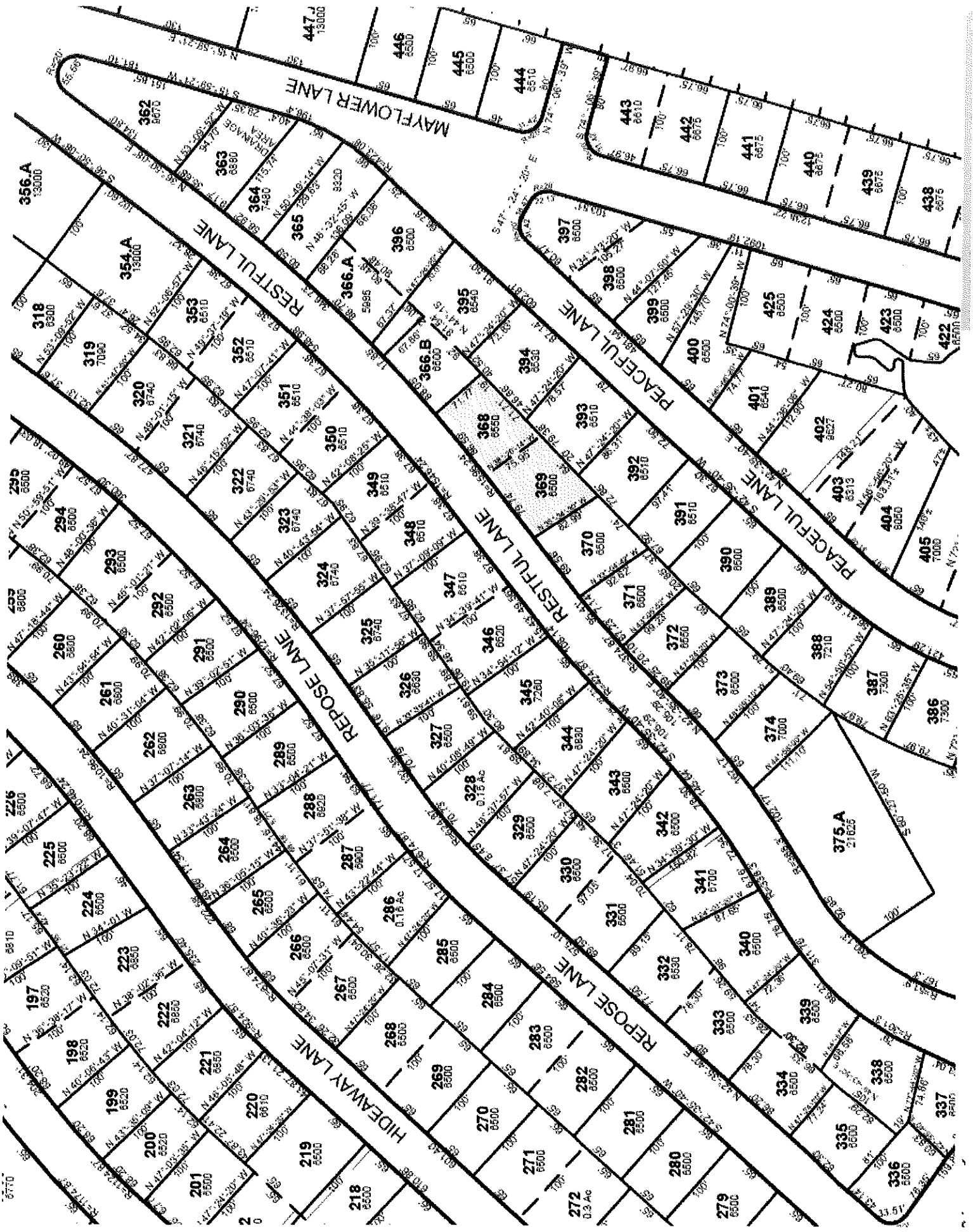


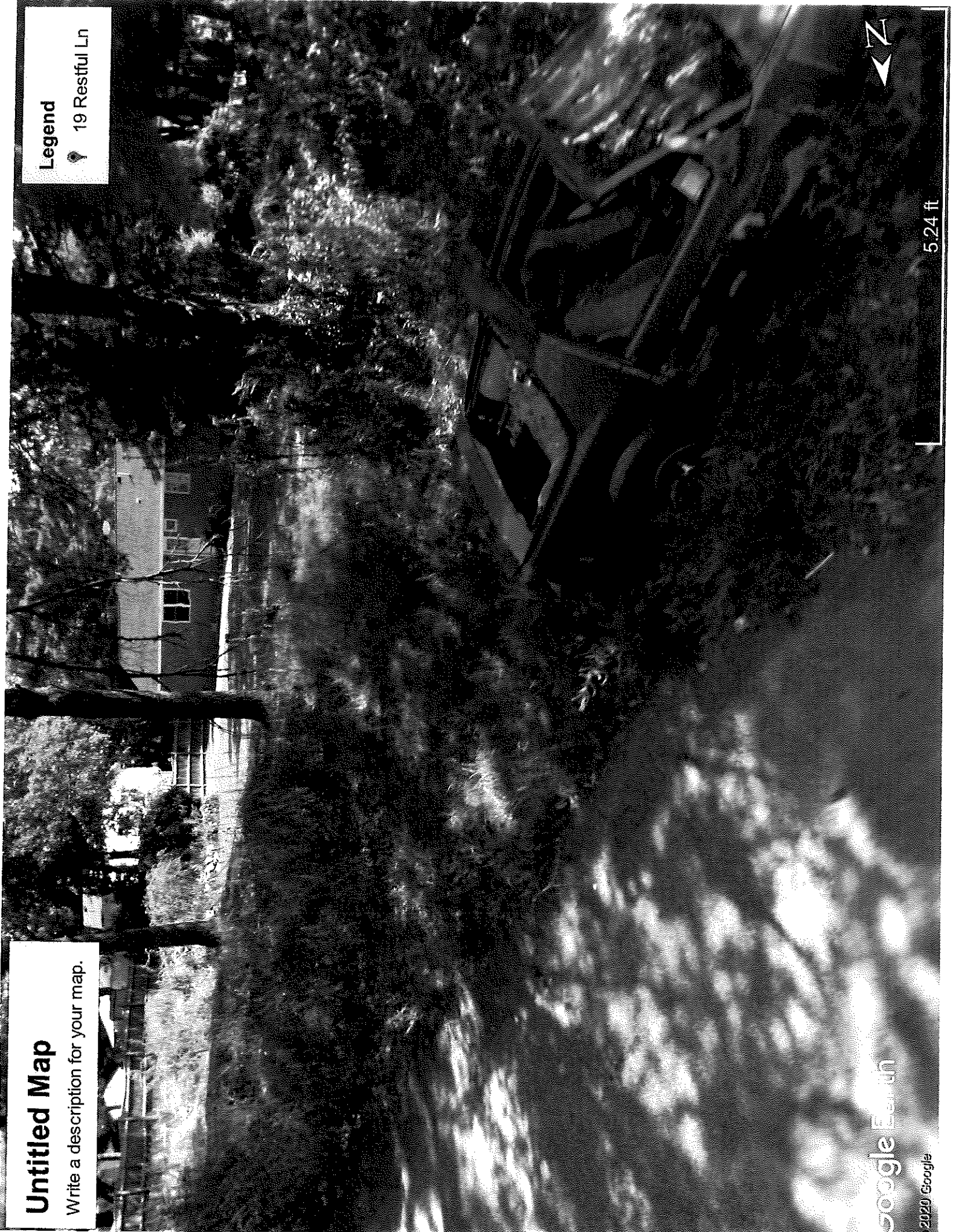
EXHIBIT C

Untitled Map

Write a description for your map.

Legend

📍 19 Restful Ln



Google Earth

© 2020 Google

5.24 ft



I, HAZEL I. GALLAGHER

PAGE 339 BOOK 4819

of Wareham, Plymouth

County, Massachusetts

being unmarried, for consideration paid, and in full consideration of *less than \$100.-*

grant to SHIRLY A. STAHER

of Apt 2C Chestnut St., Foxboro, MA.

with quitclaim covenant

the land situate in Wareham, Plymouth County, Massachusetts, on Restful Lane being shown as LOT 368 on a plan of land recorded at Plymouth County Registry of Deeds, Plan Book 12, page 500.

For my title see deed of Lynnfield Industries Inc. dated September 10, 1973 recorded with Plymouth County Deeds Book 3935, page 586.

ALSO

the land situate in Wareham, Plymouth County, Massachusetts, on Restful Lane being shown as LOT 369 on a plan of land recorded at Plymouth County Registry of Deeds, Plan Book 12, page 500.

For my title see deed of Cape Cod Developers INC. dated September 10, 1973, recorded with Plymouth County Deeds Book 3935, page 587.

Witness my hand and seal this 15th day of April 1980

Hazel I. Gallagher
Hazel I. Gallagher

The Commonwealth of Massachusetts

Plymouth

ss.

April 15, 1980

Then personally appeared the above named HAZEL I. GALLAGHER and acknowledged the foregoing instrument to be her free act and deed, before me

Daniel C. Nyman
Daniel C. Nyman Notary Public - *State of Massachusetts*

My commission expires April 26, 1985

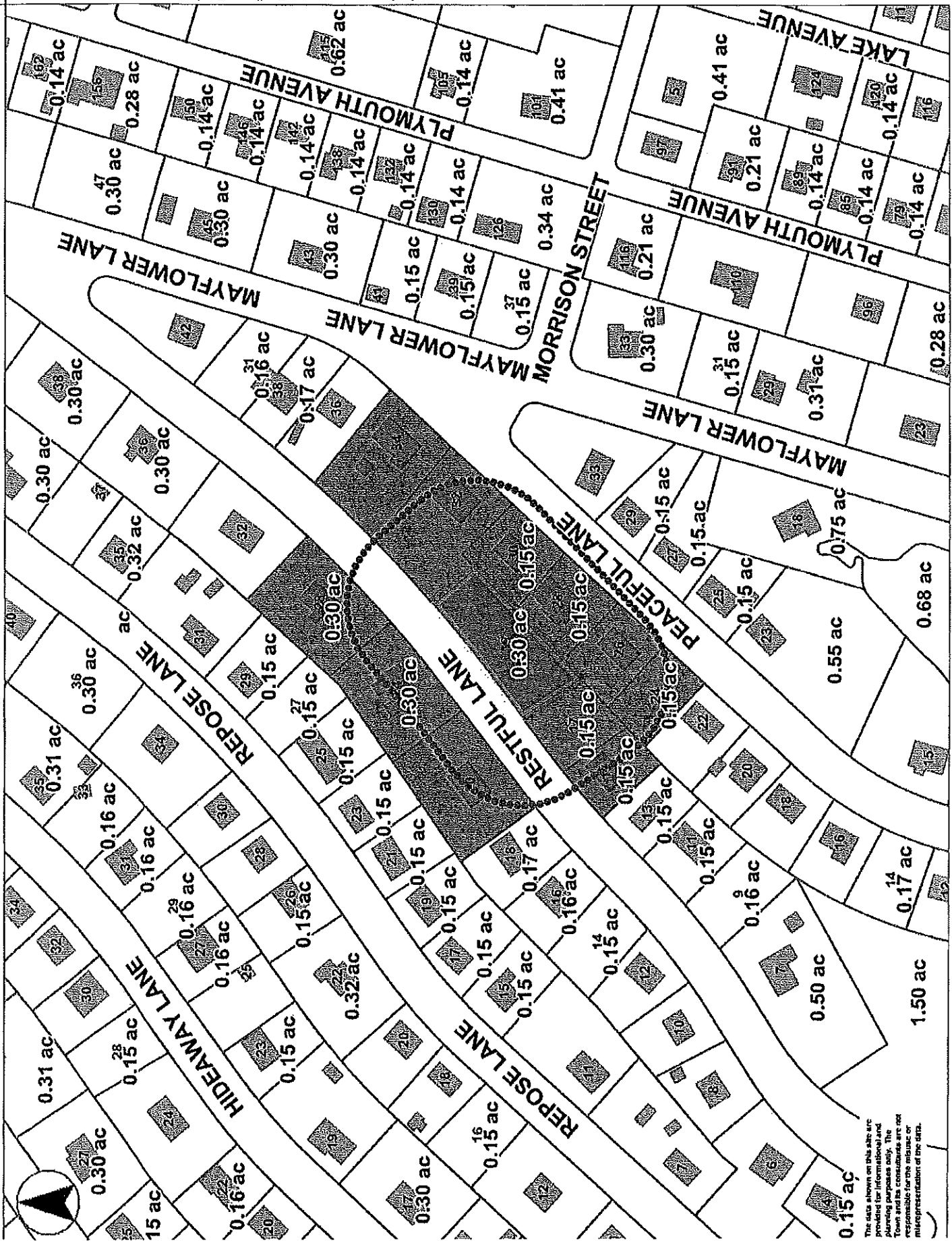
(*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 119 LOT 368						
OWNER SHIRLEY A STAHMER						
119-346	ANDRADE KATHERINE E		20 RESTFUL LN	E WAREHAM	MA	02538
119-371	FORTIER LESLIE S JR		15 RESTFUL LN	E WAREHAM	MA	02538
119-370	TOWN OF WAREHAM		54 MARION RD	WAREHAM	MA	02571
119-391	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571
119-348	KEIR JAMES D		24 RESTFUL LN	E WAREHAM	MA	02538
119-392	TAYLOR DWIGHT C	TAYLOR LAURA	26 PEACEFUL LANE RFD#1	E WAREHAM	MA	02538
119-368	STAHMER SHIRLEY A	C/O SHIRLEY BOYENS	18675 US HWY 19 NORTH #474	CLEARWATER	FL	33764
119-350	BOWSER KEVIN S	BOWSER PAMELA R	28 RESTFUL LN	E WAREHAM	MA	02538
119-393	JOHNSON EVERETT P		28 PEACEFUL LN	E WAREHAM	MA	02538
119-394	PIMENTAL ADAM & AMBER	ANDERSON BONNY M MARQUES	30 PEACEFUL LN	E WAREHAM	MA	02538
119-395	HILL EDDIE	HILL RANDI	32 PEACEFUL LN	E WAREHAM	MA	02538
119-396	GONCALVES ANA		34 PEACEFUL LN	E WAREHAM	MA	02538
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 4/15/2021						
<i>Sy. Popie Atkins</i>						
ASSESSORS OFFICE						
REQUESTED BY						
ROBERT FEINGOLD, ESQ.						
508 999-1119						
BFEINGOLD@RBFLAW.NET						

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



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



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