

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 \$100.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 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: 1 Blue Jay Ter LOT: 00028 MAP: 0046A/001
ZONING DISTRICT: R-30
USE REQUESTED: _____
OWNER OF LAND & BUILDING: MIRIAM DiMauro TEL.# 5085775408
ADDRESS OF OWNER: 1 Blue Jay Ter. Wareham MA 02571
PERSON(S) WHO WILL UTILIZE PERMIT: Miriam DiMauro
ADDRESS: 1 Blue Jay Ter Wareham Ma 02571
DATE: 8/17/21 SIGNATURE: [Signature]

This application was received on the date stamped here:

WAREHAM TOWN CLERK
2021 SEP 15 AM 10:51

Town Clerk: Michelle Bismonte Date: _____
Tax Collector: Bigette Benoit Date: 8-17-2021
Planning/Zoning Dept.: DONIA Raposo Date: 9-15-21
Application fee paid: 300.00 Check #: 2314 Receipt: _____
Advertising fee paid: 100.00 Check #: 2315 Receipt: _____
Abutters fee paid: 73.35 Check #: 2316 Receipt: _____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: Miriam Dimauvo

Applicant's Address: 1 Bluejay Ter Wareham

Telephone Number: 508-577-5808

Cell Phone Number: _____

Email Address: Sudbury@comcast.net

Address of Property/Project: 1 Bluejay Ter. Wareham

Landowner's Name: Same

Owner's Address: Same

Telephone Number: Same

Contact Person: Miriam Dimauvo Telephone Number: 508-577-5808

Map 0046A Lot 00028 Zone R-30

Date Approved _____ Date Denied _____

Comments: application is for a garage addition
to the existing home with living space
above

QUITCLAIM DEED



2012 00024040

Bk: 41115 Pg: 250 Page: 1 of 2

Recorded: 03/20/2012 10:48 AM

ATTEST: John R. Buckley, Jr. Register

Plymouth County Registry of Deeds

I, Miriam Dimauro, of Sudbury MA

in consideration of less than \$100.00 (One Hundred Dollars and no/100)

grant to Miriam Dimauro and Russell Dimauro, Trustees of the Odd Surf Realty Trust u/d/t dated March 16, 2012

of 1 Blue Jay Terrace, Wareham MA

with quitclaim covenants

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

Being Lot #27 as shown on Plan of Pinehurst Beach dated July 2, 1920, Hayward and Hayward, C.E., recorded in the Plymouth Registry of Deeds, said lot containing 3,160 square feet more or less.

Another tract of land in Wareham, Plymouth County, Massachusetts, with the buildings thereon, bounded and described as follows:

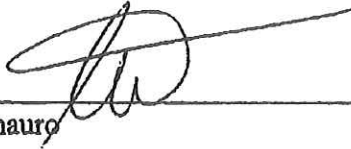
Being Lot number twenty-eight (28) as shown on "Plan of Land at Pinehurst Beach, Wareham, Massachusetts, dated July 2, 1920" said plan being recorded with Plymouth County Registry of Deeds, Plan Book 3, Page 29, to which plan reference is hereby made for further and more particular description. Said lot contains according to said plan 3,071 square feet.

Being the same premises conveyed by The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, NA as successor to JPMorgan Chase Bank NA as Trustee for RAMP 2006RS2 to Miriam Dimauro recorded in Book 41115, Page

248.

1 Blue Jay Terrace, Wareham

Witness my hand and seal this 16th day of March, 2012.



Miriam Dimauro

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

March 16, 2012

On this 16th day of March, 2012, before me, the undersigned notary public, personally appeared Miriam Dimauro proved to me through satisfactory evidence of identification, which was a picture ID (Driver's License) containing her signature to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Notary Public: Robert F. Dionisi, Jr.
MCE: 7/23/15





TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Building Commissioner

Miriam Dimauro
1 Blue jay Ter.
Wareham, MA 02571

July 13, 2021

RE: 1 Blue Jay Ter. (Garage Addition)

Map # 46-A, Lot # 1-28

We have reviewed your application to construct a new addition on the side of your home, located at 1 Blue Jay Ter, in Wareham, MA. Your proposal is not in compliance with current zoning regulations and must be denied at this time.

After reviewing the information in your permit application, it is my understanding that you would like to construct a 20' x 28' two car garage addition, with living space above. Access to the new living space would be through a small breezeway with no separation of conditioned space, and no additional apartment proposed.

The new addition would be constructed on the left side of the primary structure, and would create the following new nonconformities on the property:

- The new addition would bring the lot coverage 21.67%, to 30.97%, where 25% is permitted as of right.
- The proposal would create a new rear setback nonconformity at the left rear corner of the addition. The current rear setback is compliant, and you are proposing an 8' setback where 10' is required

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

- **Article 6, Table 621, Residential Districts,** The proposed addition does not comply with the rear setback requirements for the R-30 zoning district. This will require a variance from the Zoning Board of Appeals.
- **Article 6, Table 621, Residential Districts,** The proposed addition is creating a new building coverage nonconformity which also requires a variance from the Zoning Board of Appeals.
- **Article 13 Section 1352 Non-conforming Structures:** Alteration or expansion of a lawfully pre-existing non-conforming residential structure requires relief from the zoning Board of Appeals. A Special Permit is required for expansion of a lawfully non-conforming structure unless the Board of Appeals finds that the expansion will be substantially more detrimental to the neighborhood in which case a Variance may 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 Zoning district R-30.

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.**

TOWN OF WAREHAM ABUTTERS						
MAP 46/A-1 LOT 28 100' / Same as 300'						
OWNER DIMAURO MIRIAM & DIMAURO RUSSELL C TRUSTEES						
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
46/A-1-99	JOHNSON DONNA L, LUNDBLAD	LINDA C & LOIS C	65 PINEHURST DR	WAREHAM	MA	02571
46/A-1-25	IACOBUCCI JOHN R	IACOBUCCI MARIANNE C	64 PINEHURST DR	WAREHAM	MA	02571
46/A-1-26	IACOBUCCI JOHN R	IACOBUCCI MARIANNE C TRUSTEES	66 PINEHURST DR	WAREHAM	MA	02571
46/A-1-127	LYNCH JOHN M		6 BLUEJAY TER	WAREHAM	MA	02571
46/A-1-28	DIMAURO MIRIAM	DIMAURO RUSSELL TRUSTEES	588 PEAKHAM RD	SUDBURY	MA	01776
46/A-1-1000	PINEHURST BEACH ASSOCIATION		PO BOX 256	WAREHAM	MA	02571
46/A-1-30	MANGUSO MARY	MANGUSO WILLIAM E	70 PINEHURST DR	WAREHAM	MA	02571
46/A-1-29	GOVE BRIAN	NARDIN RANI	2 BLUEJAY TERR	WAREHAM	MA	02571
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 8/17/2021						
<i>M. Lewis</i>						
ASSESSORS OFFICE						
REQUESTED BY MIRIAM DIMAURO						
508 577-5808						
SUDBURY@COMCAST.NET						

TOWN OF WAREHAM ABUTTERS									
MAP 46/A-1 LOT 28 DIRECT									
OWNER DIMAURO MIRIAM & DIMAURO RUSSELL C TRUSTEES									
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE			
46/A-1-26	IACOBUCCI JOHN R	IACOBUCCI MARIANNE C TRUSTEES	66 PINEHURST DR	WAREHAM	MA	02571			
46/A-1-28	DIMAURO MIRIAM	DIMAURO RUSSELL TRUSTEES	588 PEAKHAM RD	SUDBURY	MA	01776			
ABUTTERS AS THEY APPEAR ON OUR									
TAX ROLLS AS OF 8/17/2021									
<i>M. Remi Atkins</i>									
ASSESSORS OFFICE									
REQUESTED BY MIRIAM DIMAURO									
508 577-5808									
SUDBURY@COMCAST.NET									



