

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 15-20
Book: 609 Page: 177
Date: 08/26/2020

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

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

To: David & Cynthia Garnett

Address: 23 Fisherman Cove Road

City or Town: Buzzards Bay, MA 02532

Affecting the rights of the owner with respect to land or buildings at 23 Fisherman Cove Road
Assessor's Map 3, Lot R15

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a special permit - variance 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 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.

Carver R. Porebi acting chair

Chairman

Clerk

Michael Bismuto
Town Clerk

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

WAREHAM TOWN CLERK
2020 AUG 27

No. 15-20

Petition of: David & Cynthia Garnett.

Location of Property: 23 Fisherman Cove Road

Date of Notification of Hearing: August 6, 2020 & August 13, 2020

Date of Hearing: August 26, 2020

Date of Notification of Decision: August 27, 2020

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 40 A of the Massachusetts General Laws.

Michelle Bissonette
Town Clerk

James W. Cavali acting chair
Veronica DeBour

Christy J. Coffey
Richard A. Lopez
Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 15-20

Applicant: David & Cynthia Garnett

Owner: Same

Owner Address: 23 Fisherman Cove Road, Buzzards Bay, MA 02532

Subject Property Address: 23 Fisherman Cove Road, Buzzards Bay, MA 02532

Subject Property Parcel ID: Map 3 / Lot R15

Date of Public Hearing: August 26, 2020

Date of Notice: August 27, 2020

Decision/Reason:

The Zoning Board of Appeals voted [5-0-0] to grant a Special Permit to improve the property by constructing a new addition and adding a porch to the front and rear on the existing dwelling at 23 Fisherman Cove Road (Assessors Map 3, Lot R15). This requires relief from the requirements of Article 621 and Article 1352 under the Wareham Zoning By-Laws in the R-43 zoning district.

The Board heard evidence from the owner, the owner's engineer and a statement from an abutter in support of the project, if the addition was no taller than the existing structure.

The Board found that the home met the zoning setbacks from the time of original construction and would fit with the existing landscape and topography, and would relate well with the paved way of Fisherman Cove Rd.

The Board found that this improvement will not substantially change the use or substantially extend the non-conformities of the structure or lot, and is therefore not substantially more detrimental to the neighborhood and is therefore permitted as Special Permit according to the Zoning By-Laws.

Further, the granting of this Special Permit is subject to the following conditions:

Conditions:

1. The dwelling is to be constructed per the plans submitted with the application, entitled "23 Fisherman Cove Road" prepared for David & Cynthia Garnett and dated June 30, 2020.
2. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
3. Any relief not expressly granted hereunder is hereby denied.
4. 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.
5. 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 & 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.
6. 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.

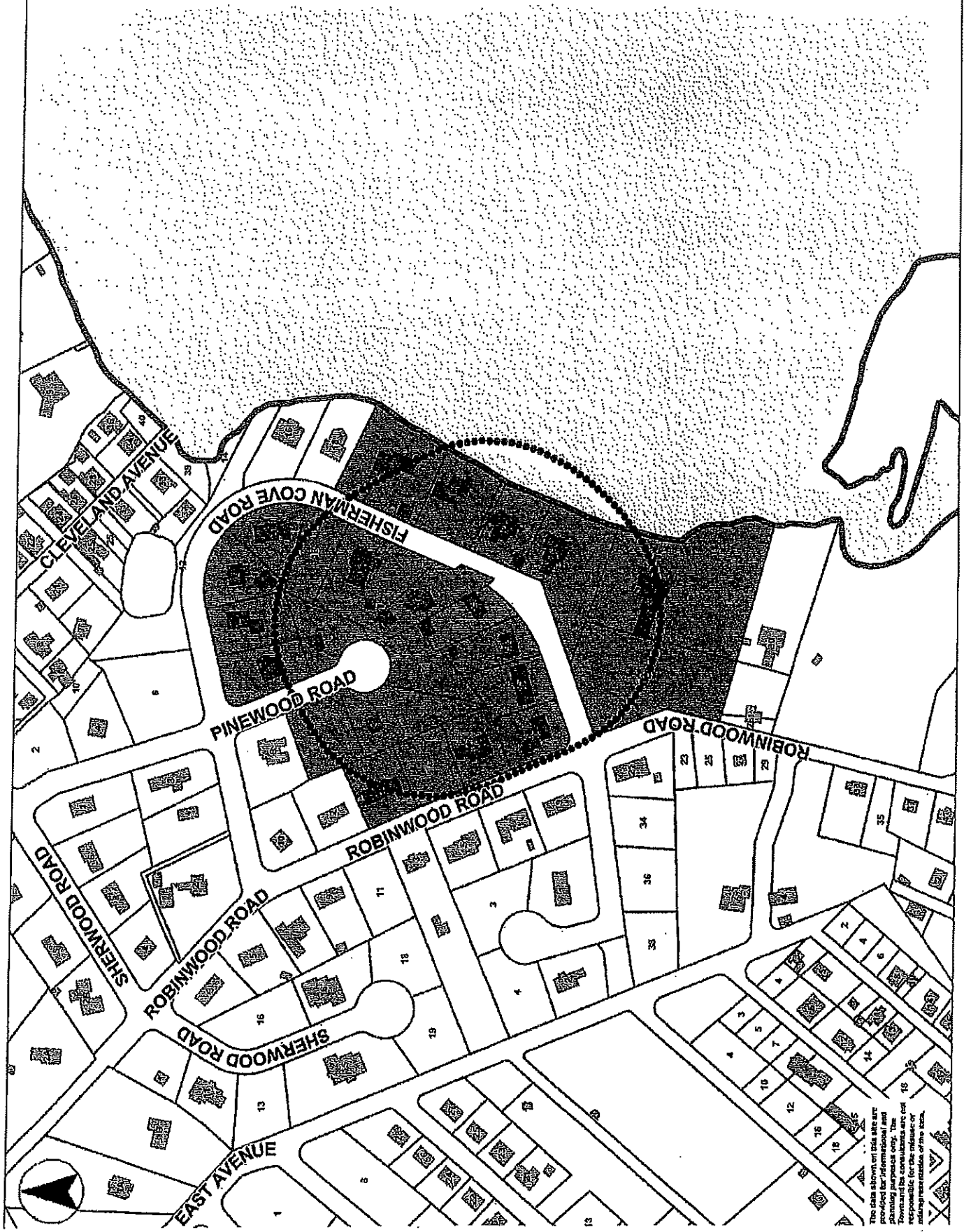
7. **If the applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for approval shall apply 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 without the need for any further ZBA approval.**

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

A	B	C	D	E	F	G
1	TOWN OF WAREHAM ABUTTERS					
2	MAP 3 LOT R/15					
3	OWNERS DAVID & CYNTHIA GARNETT					
4						
5						
6	MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE ZIP CODE
7	3-R30	FACCHETTI SHERYLE		PO BOX 1500	ONSET	MA 02558
8	3-R32/A	CANNON NEIL F TRUSTEE	NEIL F CANNON FAMILY TRUST	18 ROBINWOOD RD	BUZZARDS BAY	MA 02532
9	3-R33/A	FLINT CHARLES E		29 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
10	3-R72	MACDONALD RICHARD W	MACDONALD DIANE R	BOX 1048	ONSET	MA 02558
11	3-R34	BUSNENGO RONALD	BUSNENGO KYLE D	27 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
12	3-LC2	PERKINS EDWARD H TRUSTEE OF THE	EH PERKINS REALTY TRUST	25 ROCKBOTTOM RD	STOW	MA 01775
13	3-R40	THOMAS SHAWN E	TOMAS DONNA M	8 PINEWOOD RD	BUZZARDS BAY	MA 02532
14	3-R71	COSTA JOHN J	MCCOY MARCELLA M	25 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
15	3-RJ4	MCCOY MARCELLA M	COSTA JOHN J R C/O M COSTA	25 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
16	3-R75	WAMBACK RICHARD F	WAMBACK DONNA	10 PINEWOOD ROAD	BUZZARDS BAY	MA 02532
17	3-R41	COUGHLIN DIANE M	COUGHLIN STEVEN P TRUSTEES	7 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
18	3-R15	GARNETT DAVID	GARNETT CYNTHIA	23 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
19	3-1012	WYMAN ROBERT	WYMAN SUZANNE J TRUSTEES	21 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
20	3-RJ0	DEXTER DENNIS R	DEXTER LINDA A	PO BOX 1723	ONSET	MA 02558
21	3-R42	TERRIO VICTOR J JR	TERRIO CONSTANCE S	9 FISHERMAN COVE ROAD	BUZZARDS BAY	MA 02532
22	3/A	KURIAKOSE THAZHATHEKUDYIL	KURIAKOSE SUSAN J	41 ARBORWAY	JAMAICA PLAIN	MA 02130
23	3-R12	COLVIN JAMES F	COLVIN KRISTEN E	29 M ST #1	S BOSTON	MA 02127
24	3-R13	ZANE MICHAELS	ZANE ELIZABETH PRITZ	4 TIASQUAM RIDGE LN	CHILMARK	MA 02535
25	3-1007	HALLAHAN JEFFREY W	HALLAHAN BEVERLY	24 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
26	3-1009	GIBBS JANICE MARIE ODELL & GEORGE J	TR 22 FISHERMAN COVE RD RLTY TR	22 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
27	3-1010/A	WAY DONALD	CLEMENT-WAY CHRISTINE A	20 FISHERMAN COVE RD	BUZZARDS BAY	MA 02532
28						
29						
30	CERTIFIED ABUTTERS AS					
31	THEY APPEAR ON OUR TAX ROLLS					
32	AS OF 6/30/2020					
33						
34						
35	ASSESSORS OFFICE					
36						
37						
38						
39	REQUESTED BY BRADLEY BERTOLO					
40	508 273-0377					
41	BBERTOLO@JCEENGINEERINGINC.COM					

By: Paul Allen

- MA Phase
- Fire Station
- Police Station
- Town Hall
- Public Library
- Buildings
- Parcels
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Road
- Street
- Railway
- 0-6 ft
- 7-10 ft
- 11-15 ft
- 16-20 ft
- 21-30 ft
- 31-40 ft
- 41-50 ft
- 51-60 ft
- 61-70 ft
- 71+ 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.

360' 720' ft

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