

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 \$7.13 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: 31 Agawam Lakeshore Dr LOT: #101 MAP: 129/A1
ZONING DISTRICT: R-130
USE REQUESTED: Change location + side setback Entry Door
OWNER OF LAND & BUILDING: DAVID SPILLANE TEL.# 508-203-0264
ADDRESS OF OWNER: 3091 Cranberry Hwy E. Wareham 02538
PERSON(S) WHO WILL UTILIZE PERMIT: DAVID SPILLANE
ADDRESS: 3091 Cranberry Hwy E. Wareham MA 02538
DATE: 1-12-22 SIGNATURE: David Spillane

This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: Briette Benoit Date: 1-13-2022
Planning/Zoning Dept.: Aaron Mahan Date: 1/19/2022
Application fee paid: 300 Check #: 5071 Receipt: _____
Advertising fee paid: 100 Check #: 5072 Receipt: _____
Abutters fee paid: 100.05 Check #: 5073 Receipt: _____

WAREHAM TOWN CLERK
2022 JUN 10 AM 11:40

TOWN OF WAREHAM ABUTTERS									
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE			
129/A-1-98	HEYWOSZ JAMES M	HEYWOSZ CHRISTINE M	25 AGAWAM LAKE SHORE DR	WAREHAM	MA	02571			
129/A-1-99	KING STEPHEN A	KING NORA L	83 HARDING ROAD	FAIRHAVEN	MA	02719-4519			
129/A-1-101	SPILLANE DAVID A	SPILLANE SUSAN R BRIEN	3091 CRANBERRY HWY	E WAREHAM	MA	02538			
129/A-1-102	KING JOHN A JR	KING SARA M	33 AGAWAM LAKE SHORE DR	WAREHAM	MA	02571			
129/A-1-103	ELIBERO MELODY		69 HUNTINGTON AVE	BROCKTON	MA	02301			
129/A-1-52	L'HOMME DONALD JR TRUSTEE	MARANI NOMINEE TRUST	4 SHAKER AVE	WAREHAM	MA	02571			
129/A-1-53	AGAWAM LAKE IMP ASSOC INC	CO DONNA RICHARD	11 AGAWAM LAKE SHORE DR	WAREHAM	MA	02571			
129/A-1-55	MCWILLIAMS RANDY	MCWILLIAMS DORENA C	PO BOX 534	W WAREHAM	MA	02576			
129/A-1-56	FERRILL JAMES	FERRILL LAUREN	24 AGAWAM LAKE SHORE DR	WAREHAM	MA	02571			
129/A-1-57	CORMIER APRIL		26 AGAWAM LAKE SHORE DR	WAREHAM	MA	02571			
129-1001	290 GLEN CHARLIE ROAD LLC		1205 NORTH AVE	BURLINGTON	VT	05408			
CERTIFIED ABUTTERS AS THEY									
APPEAR ON OUR TAX ROLLS									
AS OF 1/11/2022									
<i>[Handwritten Signature]</i>									
ASSESSORS OFFICE									
REQUESTED BY									
DAVID SPILLANE									
508 203-0264									
SPILLANESAJUTO3091@COMCAST.NET									



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Building Commissioner

Dave Spillane
31 Agawam Lake Shore Drive
Wareham, MA 02571

December 2, 2021

RE: 31 Agawam Lake Shore Drive

Map # 129/A-1, Lot # 101

I have reviewed your application to modify your residential dwelling at 31 Agawam Lake Shore Drive, in Wareham, MA. Your proposal is not in compliance with current zoning requirements and must be denied at this time.

While constructing your new single family dwelling, you decided there was a need to relocate the front entrance around to the right side of the building. The new landing and stairs are located 6' from the right side boundary line, and exceed 4' in height; therefore, not entitled to the De Minimis exemption of "half the required setback" (*zbl 1392*). The landing relocation creates a new side yard nonconformity, and requires a Variance from the Zoning Board of Appeals.

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

- **Article 6 Table 628, Small Lots in Residential Districts:** Residential lots between 5001 and 15,000 square feet are required to maintain a 10' side yard setback. A Variance must be applied for and secured from the Zoning Board of Appeals in order to proceed with your request.

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 shall wait 20 days for the statutory appeal period to lapse, then record the ZBA decision with the Plymouth County Registry of Deeds, and apply for a new building permit to 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.

*** Electronic Recording ***
Doc#: 00088095
Bk: 55418 Pg: 159 Page: 1 of 2
Recorded: 08/03/2021 12:59 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 08/03/2021 12:59 PM
Ctrl# 148646 14157
Fee: \$693.12 Cons: \$151,528.63

QUITCLAIM DEED

Cape & Islands Realty, LLC, a Massachusetts Limited Liability Company with an address at 10 Clayton Road, Middleboro, Massachusetts, for consideration paid and in full consideration of **One Hundred Fifty-One Thousand Five hundred and Twenty-Eight and 63/100 Dollars (\$151,528.63)** grant to David A. Spillane and Susan R. Brien Spillane, Husband and Wife Tenants by the Entirety of 31 Agawam Lake Shore Dr, Wareham the following described premises with quitclaim covenants:

A certain parcel of land with the buildings thereon situated in East Wareham, Plymouth, County, Massachusetts, being more particularly bounded and described as follows:

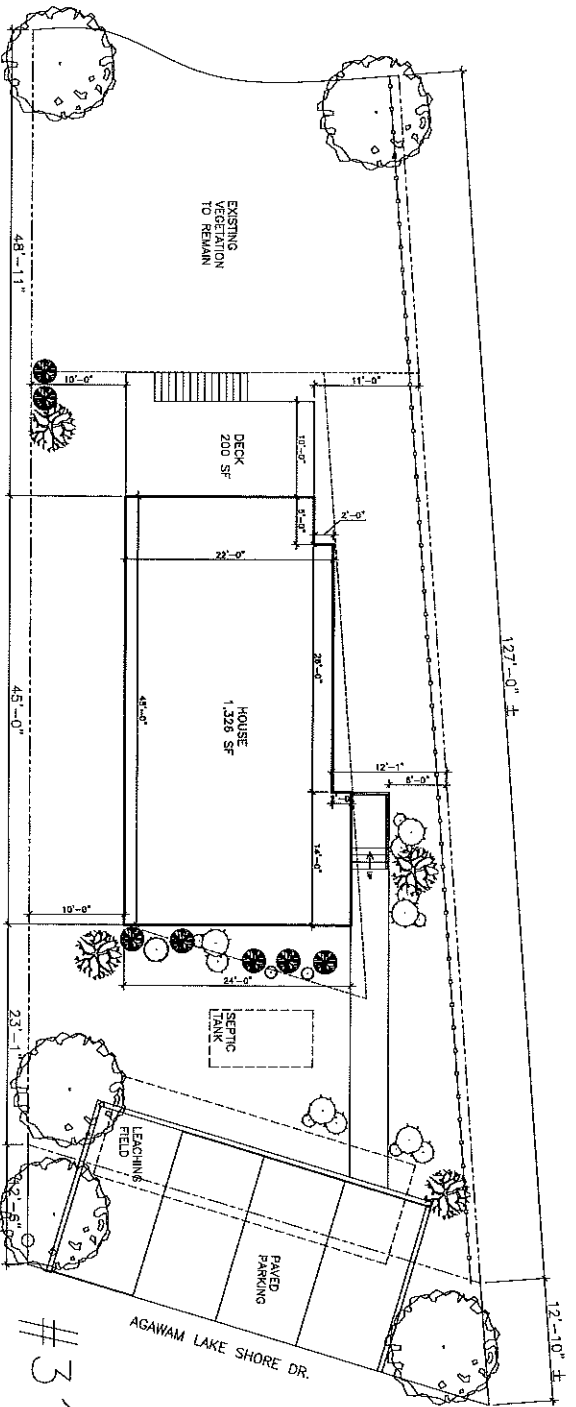
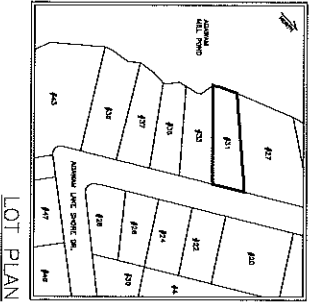
NORTHEASTERLY	by Lake Shore Drive, fifty (50) feet;
SOUTHEASTERLY	by Lot 102 as shown on said plan hereinafter mentioned, one hundred seventeen (117) feet;
SOUTHWESTERLY	by Agawam Lake as shown on said plan, forty (40) feet; and
NORTHWESTERLY	by Lot 100 as shown on said plan, one hundred twenty-seven (127) feet.

Containing 5,420 square feet, more or less, and being shown as Lot 101 on a plan entitled "Agawam Lake, East Wareham, Mass. Owned by Prosperity Development Co., January 1947 by Francis F. Friberg," recorded with the Plymouth County Registry of Deeds in Plan Book 7, Page 225.

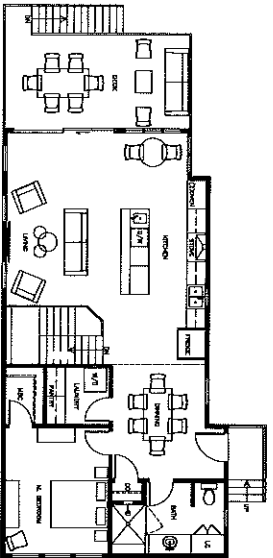
The conveyed premises do not represent all or substantially all of the assets of the limited liability company within the Commonwealth of Massachusetts and this conveyance is made in the ordinary course of business.

Being the same premises conveyed to the herein names grantor(s) by deed recorded with the Plymouth County Registry of Deeds in Book 54430, Page 149.

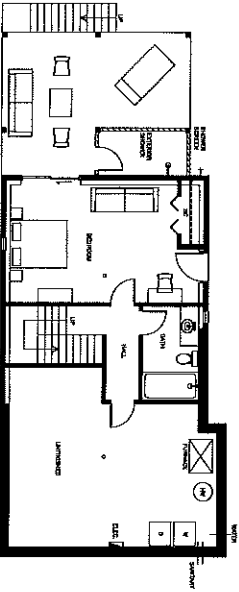
Property Address: 31 Agawam Lake Shore Drive, Wareham, Massachusetts, 02571



SITE PLAN



FIRST FLOOR PLAN
1,008 SF



BASEMENT PLAN
318 SF

SITE & FLOOR PLANS
31 LAKE SHORE
DRIVE WAREHAM MA

01-09-22

N.T.S.

CP-1

Stephen King <pfsstevek@comcast.net>

11/20/2021 5:33 PM

side setback variance

David Spillane <spillanesauto3091@comcast.net>

Hi David, As I understand it, you would like to change the location of your main entrance from the front to the side of the house which borders my property. This will change the side setback from 10' to 6'. I do not have any objections to this change since it's only the porch sticking out 4' and not moving the entire house. I wish you well and am looking forward to us being good neighbors. If there's any questions, the inspector can call me at 508-971-1635.

Stephen A. King , abutter.
27 Agawam Lake Shore Drive
Wareham.

January 16, 2022

To: Wareham Board of Appeals

Re: Subject property located @ 31 Aagawam Lake Shore Dr.

Dear members of the board,

Let me begin by stating that our general contractor Sean Brophy passed away suddenly from COVID January 13th. We are all sad about that . With that said, my wife Susan and I are left with a dilemma.

During construction, Mr. Brophy (herein called Sean) suggested we locate our entrance door from the front to the side of the dwelling. The plans drawn clearly called for a front street entrance .

Sean's argument for the change was to keep the master bedroom and bath at a reasonable sq. footage.

I was concerned about this because our foundation was specifically constructed in a way that kept a 10' side setback. Sean told me that the entrance "stoop" is considered landscaping and would not be considered part of the house or setback.

Still nervous,I contacted my affected/adjacent neighbor Steve King. He sent me an e-mail stating he has no problem with the changed setback.

Several days later I went to the site and was furious when I found there was a rain roof built over the proposed entrance. I ordered the door not be not installed because by now I as well as Sean realized there was a problem.

So now we have a triple window installed at the front where the door should have been and a big hole on the side . Not to mention rough plumbing that would have to be torn out as well if we can't come to an agreement on the setback.

I got so many revolving answers from Sean regarding the change.

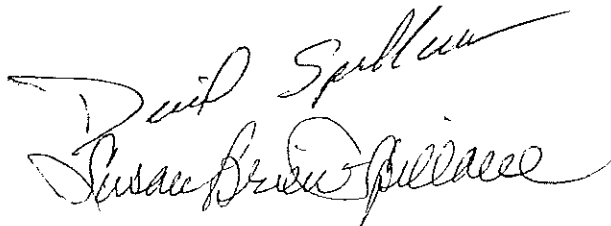
#1 Its considered landscape

#2 its "automatic" approval

#3 Just an informal meeting in the(town) hall

None of which were true..

I realize Sean is not here to defend himself, but my wife and I solemnly attest that these statements and sequence of events are true.



David Spillman
Susan Brophy Spillman