December 27, 2022

Property Owners of
11 Woodland Circle
Wareham, MA 02571

RE: Wareham Board of Appeals Public Hearing December 28, 2022:

Regarding the (rear dwelling) addition:
Neighbor at 11 Woodland Circle, Wareham, MA **is "OPPOSED" to the granting of Special Permit request for 13 Woodland Circle, Wareham MA**. Petition # 45-22 for the completion of an addition that has been **built on the rear dwelling without permits.**

Neighbor at 11 Woodland Circle, Wareham, MA supports the decision of the Wareham Building Commissioner, that the **request** from the home owner of 13 Woodland Circle, **be denied** to build an addition, as in accordance with the Wareham Zoning Laws and **we respectfully ask that the Zoning Board of Wareham UPHOLD the Building Commissioner's DENIAL letter**

Current issues and concerns:

The Survey plan measurements do not match the Deed's measurements.
The survey plan is giving a larger amount of land than the deed is allowing.
This certainly affects maximum coverage/floor area allowed, especially if Survey measurements do not match Deed measurements by this amount.

Rear lot line (by lot #135): shows 0n Deed as 38.38 ft.
But the Survey shows rear lot line (by lot #135) as **39.91 ft**.
This is an extra 1.53 feet more than the Deed's 38.38 ft allowed.
Subtracting this extra 1.53 ft **puts the addition too close to the actual (fence) property line.**
Also, **Deed shows lot is 2799 Sq feet, but the Survey shows 2869 Sq ft**.
That survey has **an increase of 70 extra square feet** more than allowed on the deed.
The accurate/actual lot size and boundaries, from the Deed, need to be used.

When referring to Deed measurements, (not referring to the incorrect survey) the new addition is NOT set back at least 10 feet from the property line.
The true property line is the existing chain link fence, installed before we purchased the property 52 years ago.
The existing chain link fence (property line) coincides with the Deed's 38.38 ft lot line and has never been an issue by any other owners.

Petition mentions rear dwelling as pre-existing but does not take into account that the **previous owner already added an addition, to our knowledge, all done without any permits or permission**. The original building was rectangular in shape, then the next owner added an addition without permit, now making the building "L" shaped, now the current owner added yet another addition without permit, changing "L shape to now a square shaped building.

Building addition without obtaining permits also brought to light **other zoning issues** that need to be addressed, which in this case, **are legitimate safety concerns, especially for someone who is described as being disabled/handicapped, who will be moving in.**

First, there is an issue of a proper 2nd exit for the rear dwelling.
There is an entrance on the other side, (not our side) and that exit/entrance is basically right on the property line. If the current or future neighboring owner, on that side, decided to put up a fence on the property line, that fence would effectively block that exit, resulting in there being now only being one entrance/exit instead of two. This is a safety issue.

Second, the huge side deck was constructed without permit and is only inches from the chain link property line fence.
This is a safety issue, since there needs to be adequate emergency access, especially concerning someone disabled/handicapped, because in speaking with a Firefighter, there needs to be enough room for emergency crew to get by, while wearing full gear (air tanks etc...) and/or for medical crew to get by if needing use of a gurney etc.
Deck too close to fence severely limits emergency access. A proper permit would have prevented this issue.

Misc. other reasons for our opposition are based on our experiences over the past 52 years since we have owned the property next door to 13 Woodland Circle. Back in the 70's , we saw the previous owners transform this rear dwelling from a simple bunkhouse/shed, for the children's owners and once the children were grown, the owners then converted the rear dwelling into a basic studio apartment. After that, the **following owner then transformed rear dwelling into a larger one bedroom "RENTAL" property by "building an addition"**, to our knowledge, all without any permits or permission. Now this **new/recent owner has also gone ahead and built yet another addition to this rear dwelling and without permits.**

Further experiences... along with the previous expansion of this bunkhouse/shed into now a "close to size" as the primary house, there were additional construction projects performed by previous owners which included the relocation of entrances/exits from the front/rear, to now the sides of both houses along with the **construction of a huge side deck, only inches from the property line**, as previously mentioned. Again, to our knowledge, all done without any permits or permission. Collectively, these unpermitted construction projects have led up to all the issues we have now, with our lack of reasonable privacy and dealing with additional noise being brought closer to our windows. This needs to end.

We have read the petitioner's statement of intent and we sympathize and have compassion.
We are "not" looking to create problems for this new neighbor,
but our situation needs some consideration too!

The biggest problem is "after the fact." (in the event that the addition is approved)

Regardless of the owner's "current" intent,
The bottom line is: if an addition is allowed, the owner and any new owners, will now have an even "LARGER RENTAL property house". Basically, a bunkhouse/shed in the backyard that has slowly been built into a small house little by little and without permits and is now considered a rental home and no longer a bunkhouse/shed

Once this new addition is built, it is there forever.

So how does this new addition (along with all the other completed unpermitted construction projects from previous owners) affect us, **especially in the future?** This addition not only increases their property value **but will then decrease our property value in ways listed:**

1) Quality of Life and Reasonable Amount of Expected Privacy
2) Parking
3) Resale Value / Financial Loss

1) Quality of Life and Reasonable Amount of Expected Privacy

The proximity of **the new addition** brings the windows of the rear dwelling **even closer to our bedroom windows**, which **causes a reduction to our privacy** and an **increase of noise** coming from the rear dwelling's open windows, certainly lowering our quality of life especially with the expectation of peace, quiet and most importantly, a reasonable amount of privacy.

Since this rear dwelling has become a rental house, we have had to deal with renters having parties on the side deck and/or just under our bedroom windows where this addition is located. Also, since the relocation of the entrances/exits to the sides of both the rear dwelling and primary house, we have had to deal with noise of their outside doors slamming, loud music and loud voices all easily being heard through the now relocated side entrances /exits screen doors which now face our bedroom windows. Allowing an addition would make the problem worse. It's especially worse during the summer months

Renters often have invited other groups, which increased the noise and reduced our privacy.
This **"new addition"** will not only increase the square footage of the rear dwelling's floor plan (beyond what is allowed per lot) but also **increases the amount of people** who can live comfortably there, again, thus **increasing noise and diminishing our privacy even more.**

Sadly, for years, we have **not been able to have our bedroom windows open because of the noise being so close.**

This is bad enough, so **why would we want to have an "addition" allowed** to be built on that rear dwelling, **even closer to our bedroom windows.**
This newly constructed (without permit) addition just brings everything even closer, to a point that not even closed windows will keep out the noise etc.

The worst part is after the damage is done, the owners sell, move on and then we are stuck to deal with the problems/issues they created.
Moving forward, we simply want to avoid having more problems/issues and put a stop to this new addition.

2) Parking issue

Since the houses are so densely packed and the streets are so narrow, parking is an issue!

An **"addition"** added to the rear dwelling not only increases the square footage, but it will **now increase the amount of people who can comfortably live there**. **There is not enough additional parking to accommodate extra renters/residents for that rear dwelling.**
Also worth noting, with not enough additional parking to accommodate the additional renters/residents and their guests, there certainly will be an issue with "on and off-street" parking. **What about winter off-street parking (parking bans). Where will these additional people park?**

Even though, 13 Woodland Circle (primary house) has a narrow driveway for parking, there is NOT enough additional parking for rear dwelling renters/residents, resulting in renters and renter's guests, taking parking spots of other residents, forcing residents to park elsewhere rather than in front of their own house as they have been accustomed to for many years (thus affecting other resident's quality of life as well).

3) Resale Value / Financial loss

Most people looking to buy a beach area property prefer nice and quiet but if **potential buyers realize**:

1) A **lack of a reasonable amount of privacy** because of the added new "addition" is also now even closer to our bedroom windows.

2) Our bedroom windows can't be opened because of even more additional **noise** coming from the rear dwellings addition's open windows, since the added new "addition" is also now even closer to "our" bedroom windows.
3) Worrying if they will be able to find parking in front, because the neighbors additional **rear dwelling residents/renters are taking all the parking**?

This all adds up to nobody wanting to buy our property, eliminating potential buyers and/or us having to sell at a lower price since the property is no longer desirable.

We generally mind our own business and try to avoid problems with neighbors but Enough is Enough!

We have nothing against the current/new owner but unfortunately, we have had enough aggravation of noise, lack of reasonable privacy and parking issues, created over the years, by previous owners of 13 Woodland Circle, who seem to have gotten away with doing lots of construction work without getting building permits resulting in lowering our quality of life especially with the expectation of peace, quiet and most importantly, reasonable privacy.

We believe that the denial of the "addition", from the Wareham Building Commissioner, should be upheld especially because the Building Commissioner's decision abides by and is in accordance with the Town of Wareham zoning laws. Going against his decision defeats the purpose of having zoning laws.
We respectfully ask that the Zoning Board of Wareham to please uphold this DENIAL letter (to complete construction of the addition) and that the unpermitted rear dwelling "new addition" needs to be removed.
Would also like to mention that, "WE" feel that, **any contractor (or person)**, who intentionally tries to hide a major construction project and **constructs a "house addition" without any permits**, has total disregard for the Town of Wareham zoning laws and building codes.
That contractor (or person) should "NOT be rewarded" with a special permit, but instead made to remove that recently built addition.
Thus, making it clear to others, that there is no loop-hole to get around the Wareham zoning laws and building codes by simply building first and then asking for special permission, in order to bypass the proper building process.

Final comment:

Even though we are opposed to this new addition and that we are also absolutely prepared/willing to take legal action if we are adversely affected,
we have read the petitioner's statement of intent and we sympathize and have compassion.

We would like a solution that is of equal benefit to all involved.

With that being said,

We prefer a compromise to where the **owner is permitted/allowed to re-configure the interior of the rear dwelling** (to safely/comfortably accommodate the father, **making "efficient use" of "existing" interior sq footage** (not including the construction of an addition).

Also, that all zoning issues (including the ones mentioned, 2nd exit and deck), which will affect the safety and well-being of someone moving in, who is described as disabled/handicapped, that those issues be resolved.

To the Zoning Board of Wareham, We thank you for your time and consideration in reading this letter.

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