

TEL: 508-660-0719  
FAX: 508-850-8959



**DERBA**  
**CONSTRUCTION**

JOSEPH DERBA  
CS #046915  
H.I.C. #139878

**CUSTOM BUILDER • REMODELING • RENOVATIONS**

20 MERCHANTS DRIVE  
WALPOLE, MASSACHUSETTS 02081  
Email: joe.derba@derbaconstruction.com

May 20, 2020

Zoning Board of Appeals  
Town of Wareham  
54 Marion Road  
Wareham, MA 02571

RE: Variance, 214 Barker Road, Wareham, MA  
Demo Permit Application #B-20-149  
Building Permit Application #B-20-134

To: Wareham Zoning Board,

On behalf of the Owner, Barbara Vieira, Derba Construction, Inc. has submitted an application for a variance in conjunction with the above mention Demo and Building Permit applications.

The property, located at 214 Barker Road, Wareham, MA has an existing cottage on the property that we are proposing to demolish and replace with a new home. The new structure will be located in the same location on the property as the previous structure, with a left side setback of 12'2", which is already a pre-existing non-conforming structure.

A copy of the denial letter from the Director of Inspectional Services, and plans and documentation is also submitted with the Application. Please let us know if there is any additional information that you need.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Joe Derba', with a long horizontal flourish extending to the right.

Joseph Derba, President  
Derba Construction, Inc.



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David E Morris  
Director of Inspectional Services

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Joe Derba  
20 Mechants Dr. #2  
Walpole, MA 02081

April 27, 2020

RE: 212 Barker Rd.

I have reviewed the site plan for the existing structure and the proposed placement of the new foundation after demolition. At this time, I must deny your application. In my opinion, the proposed left side setback of 12.2' does not meet the current requirement of 30' set forth in Section 1354 of the Zoning By-Laws. Therefore, the residential structure may not be demolished and replaced By Right. The Zoning Board of Appeals may grant a Special Permit under Section 1355 and/or Variance under Section 1356.

The subject dwelling is located in Zoning district R-130.

Respectfully,

David Morris  
Director of Inspectional Services  
Zoning Enforcement Officer

**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 WARRENHAM  
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 Warrenham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- 1. Complete this form.
- 2. Complete information packet. (Directions attached)
- 3. Submit application form and packet to Town Clerk for signature.
- 4. Submit application form and packet to Town Collector for signature.
- 5. Submit completed form, packet, and appropriate fees\* to the Zoning Board of Appeals secretary.

\*Fees may be waived only after a public hearing. There is a filing fee of \$200.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$250.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$200.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Warrenham.

\*\*A check to cover two (2) legal advertisements for the public hearing should be made payable to Warrenham, Mass. in the amount of \$200.00.

\*\*The applicant will also be responsible for the costs of sending out abatement notifications by Certified Mail. The cost is \$4.75 per certified letter in each direction. Please see Zoning Board secretary for more information. Please make check payable to the Town of Warrenham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 214 Barker Road MAP: 125 LOT 1062  
 ZONING DISTRICT: Residential District R-130  
 USE REQUESTED: Re-use of pre-existing nonconforming single family home  
 OWNER OF LAND & BUILDING: Barbara Nivica TEL: 501-646-0384  
 ADDRESS OF OWNER: 155 Longview Circle, Agac, MA 01432  
 PERSON(S) WHO WILL UTILIZE PERMIT: Barbara Nivica & Dorcas Construction, Inc  
 ADDRESS: 214 Barker Road  
 DATE: 6/11/2020 SIGNATURE: [Signature]  
 This application was received on the date stamped here:

Town Clerk: _____	Date: _____
Town Collector: _____	Date: _____
Planning/Zoning Dept: _____	Date: _____
Application fee paid: _____	Check # _____ Receipt: _____
Advertising fee paid: _____	Check # _____ Receipt: _____
Station fee paid: _____	Check # _____ Receipt: _____

Received & Recorded  
 PLYMOUTH COUNTY  
 REGISTRY OF DEEDS  
 02 JUL 1997 12:38PM  
 JOHN D. RIORDAN  
 REGISTER  
 Bk 15296 Pg 347

QUITCLAIM DEED

I, HUGH JOHN O'BRIEN, III, formerly of Brockton, Massachusetts and presently of 224 Center Street, North Easton, Massachusetts, for consideration of **Two Hundred Thousand and no/100 (\$200,000.00) Dollars** paid grant with **QUITCLAIM COVENANTS** to John P. Vieira, Jr. and Barbara Vieira, husband and wife, as tenants by the entirety, an undivided one-half interest in the real estate hereafter described and to Edward M. Smolski and Karen Smolski, husband and wife as tenants by the entirety, of 10 Laurel Lane, Burlington, Massachusetts 01803, the other undivided one-half interest in said real estate, being the following:

The land in Wareham, Plymouth County, Massachusetts together with the buildings thereon, and being shown on "Plan of Land at White Island Pond, Wareham, Mass., Surveyed for LeRoy L. Eldredge, July 1958, Scale 1" = 100', Arthur C. Thompson, Eng. & Sur., Marion, Mass." duly recorded in Book 2649, Page 18 at Plymouth County Registry of Deeds and being bounded and described as follows:

Beginning at a Land Court Bound in the southwesterly corner of the premises to be described, said bound being in the northwesterly line of Barker Road, so-called; thence

NORTH 16° 31' 21" EAST, eight hundred thirty-four and 35/100 (834.35) feet to a concrete bound; thence

On the same course, six hundred fifty and 95/100 (650.95) feet to a point, said point being SOUTH 16° 31' 21" WEST, two hundred five and no/100 (205.0) feet from a concrete bound on the shore of White Island Pond; thence

SOUTH 73° 28' 39" EAST by land now or formerly of Edward W. Smith, fifty and no/100 (50.0) feet to a point, thence

SOUTH 76° 28' 39" EAST by land now or formerly of Edward W. Smith, ninety-six and no/100 (96.0) feet to a point, thence

NORTH 16° 31' 21" EAST still in line of land of said Smith, one hundred ninety-five and no/100 (195.00) feet to the said White Island Pond, thence

EASTERLY by the pond, ninety-three and no/100 (93.0) feet, more or less, to a point, thence

SOUTH 16° 31' 21" WEST by land formerly of Andrew J. Weeks, one thousand three hundred forty-five and no/100 (1345.00) feet more or less, to the aforementioned Barker Road; thence

SOUTH 61° 20' 40" WEST by the northerly line of said road, two hundred nine and 49/100 (209.49) feet to a stone bound; thence

SOUTH 42° 13' 30" WEST in line of the northwesterly side of the said Barker Road, two hundred nine and 83/100 (209.83) feet to the point of beginning.

Containing 7.52 acres, more or less.

The above described premises are the same premises conveyed to me by deed of Christine A. Locke dated July 22, 1988 and recorded with said Registry of Deeds in Book 8600, Page 317.

The address of the premises is 214 Barker Road, East Wareham, Massachusetts.

There is reserved to the within grantor over the premises herein conveyed for the benefit of grantor's premises situated on White Island Pond an easement for access to and from Baker Road; such easement shall be over the gravel driveway now existing on the premises hereby conveyed and over a strip of land twenty feet in width within and along the easterly sideline of the premises hereby conveyed between Barker Road and where the driveway crosses that sideline. The premises to be benefitted by the within reservation of easement are described in the deed to the within grantor recorded with Plymouth County Registry of Deeds in Book 4625, Page 108.

WITNESS my hand and seal this 2nd day of July, 1997.

*Hugh John O'Brien*  
HUGH JOHN O'BRIEN, III

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss:

July 2nd, 1997

Then personally appeared the above named HUGH JOHN O'BRIEN and acknowledged the foregoing instrument to be his free act and deed, before me,

*William C. Decas*  
NOTARY PUBLIC *WILLIAM C. DECAS*

My commission expires:

*April 28, 2000*

DEEDS REG 18  
PLYMOUTH

07/02/97

**CANCELLED**

TAX 912.00  
CHCK 912.00

7116A000 11:29  
EXCISE TAX

← END OF INSTRUMENT →

**PROJECT NARRATIVE**  
**214 Barker Road**  
**Wareham, MA**

The project proponent proposes to raze & rebuild the single family dwelling & construct the associated driveway, grading, landscaping, and septic system at 214 Barker Road, Wareham, MA. The property is shown as Wareham Assessors Map 125, Lot 1002, is approximately 327,571 square feet, and is located in the Residential District R-130. The property is accessed via a dirt driveway that connects out to Barker Road and is abutted by developed residentially zoned properties to the east, west and White Island Pond to the north.

The property is developed with a single family dwelling constructed circa 1906 and slopes in a northerly direction towards White Island Pond. The is a pre-existing non-conforming site in regards to the left side yard setback. The existing dwelling is only 12.0' from the left side lot line and the required side yard setback is 30'.

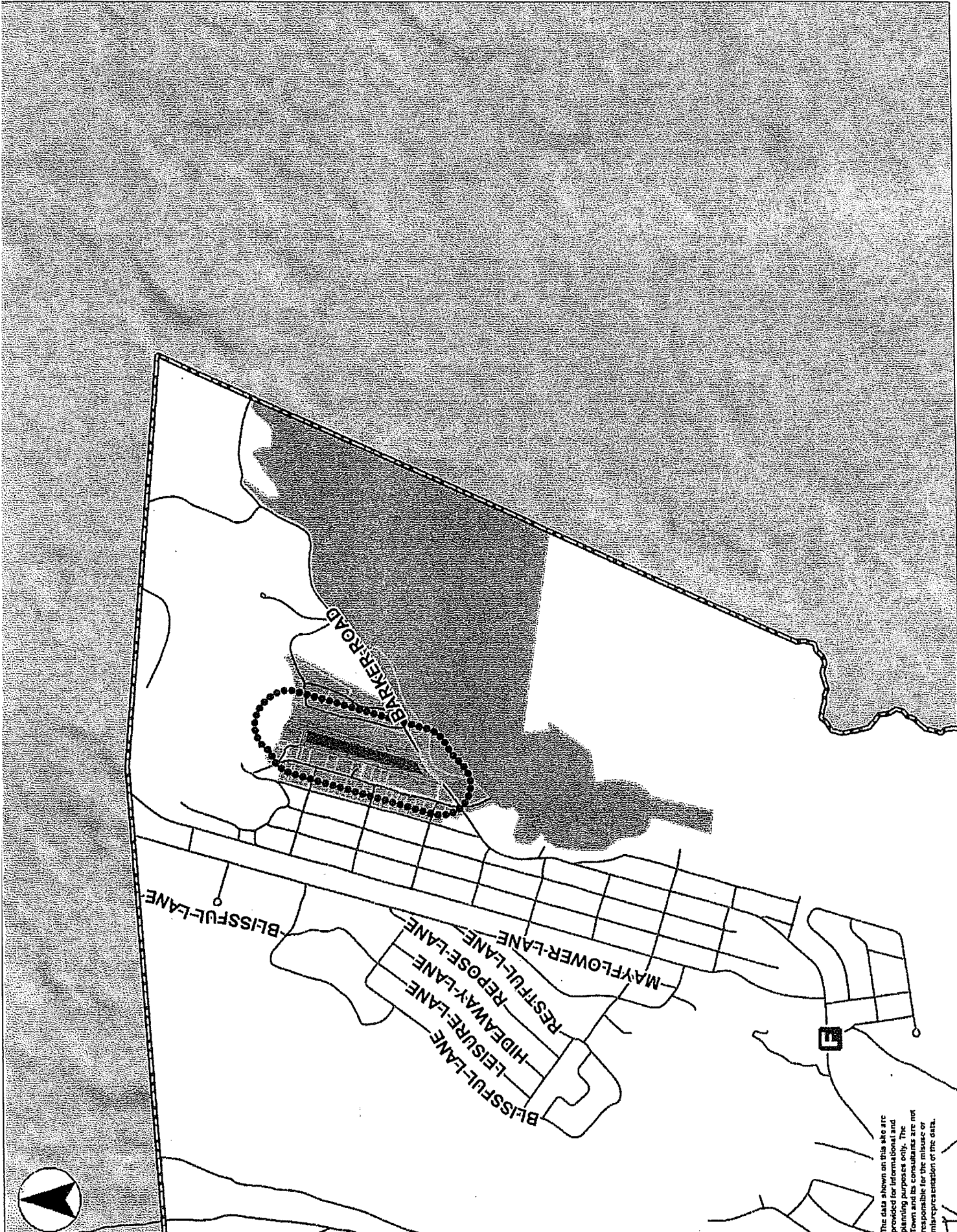
The new single family dwelling is also proposed within the left side yard setback, but is further away from the lot line than what currently exists. The proposed left side yard setback is 12.6'.

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 125 LOT 1002						
OWNER BARBARA VIEIRA						
124-1310	CARLSON GAYLE I		14 RASPBERRY RD	E WAREHAM	MA	02538
123-1318	ANDERSON MARION L&BRUCE&JOHN	C/O JOHN W ANDERSON	270 OTTIS ST	MANSFIELD	MA	02048
125/A	CIVALE GALE		2 FIELDSTONE DR	RAYNHAM	MA	02767
125-1007	EITAS VYAUTAS & GREGORY	TRUSTEES OF VG EITAS TRUST	216 BARKER RD	E WAREHAM	MA	02538
124-1734	RESNICK ROSEMARY D		119 HUNTER AVE	E WAREHAM	MA	02538
124-1287	BACCHIERI ROGER G		PO BOX 604	E WAREHAM	MA	02538
123-1700	MACKAY DAVID	MACKAY MARY A	PO BOX 222	E WAREHAM	MA	02538
124-1302	MORRISON FREDERICK L		101 PURITAN AVE	E WAREHAM	MA	02538
123-1543	MARCELLA MARIA T & JOHN G	MARCELLA ROBERT W TRUSTEES	8 RAVEN TERRACE	LONDONDERRY	NH	03053
123-1692	TOWN OF WAREHAM		54 MARION RD	WAREHAM	MA	02571
123-1314	ELLIS FRANCIS E JR		62 SILVA ST	CARVER	MA	02330
123-1344	ANTHONY NICOLE	BOUTIN KIMBERLY A	27 PURITAN AVE	E WAREHAM	MA	02538
123-1540	NIXON HEATHER L	NIXON ANDREW J	62 HUNTER AVE	E WAREHAM	MA	02538
123-1512	CANNON STEPHANIE ELIZABETH		16 HUNTER AVE	E WAREHAM	MA	02538
123-1335	SYLVESTER MANUEL D	SYLVESTER AUDREY M	762 SANDWICH RD	E FALMOUTH	MA	02536
123-1521	FERNANDES GINO JR	MATTOS SHYLA	32 HUNTER AVE	E WAREHAM	MA	02538
123-1322	DRISCOLL PAUL		6 BERKELEY RD	MILFORD	MA	01757
123-1341	VERRAN MELVIN	VERRAN ZENAIDA	33 PURITAN AVE	E WAREHAM	MA	02538
125-K2	MURPHY WILLIAM T III	BAGORIAULT DEBRA	211 BARKER RD	E WAREHAM	MA	02538
122-1503	MOSCATO THOMAS M JR		4 HUNTER AVE	E WAREHAM	MA	02538
123-1529	MURPHY JAMES P	MURPHY SUSAN M	44 SCHEFFLER DR	E WAREHAM	MA	02538
125-K3	ZBYK KENNETH E	LUKE KIMBERLEY TRUSTEES	233 BARKER RD	E WAREHAM	MA	02538
123-1525	JOHNSON HEATHER M	L'HOMME BRENDAN H	45 SCHEFFLER DR	E WAREHAM	MA	02538
122-1662	GREELEY THOMAS J		1 HUNTER AVE	E WAREHAM	MA	02538
124-1294	OBRIEN HUGH J III	CARLETON SUSAN G	426 TORREY ST	BROCKTON	MA	02301
123-1509	SULLIVAN HEATHER J	WHITE JOHN M	12 HUNTER AVE	E WAREHAM	MA	02538
124-1739	MURPHY BRENDON J	MURPHY KELSEY	127 HUNTER AVE	E WAREHAM	MA	02538
125-1002	VIEIRA BARBARA		488 LONGVIEW CIRCLE	AYER	MA	01432
124-1736	HENDERSON ROBERT B TR ROBERT B	HENDERSON REVOCABLE TRUST	5 PT PLEASANT CIRCLE	E WAREHAM	MA	02538
123-1332	MELLO NATHAN	ANDRADE ANGELINA	49 PURITAN AVE	E WAREHAM	MA	02538
124-1556	TIRRELL BRYANA L		94 HUNTER AVE	E WAREHAM	MA	02538
124-1550	WASHINGTON PATRICIA A	WASHINGTON KEVIN M	86 HUNTER AVE	E WAREHAM	MA	02538
123-1701	FORTIN RONALD J	ROBERTS KRISTEN L	67 HUNTER AVE	E WAREHAM	MA	02538
124-1305	ODONNELL AUDREY		34 BUTTERNUT RD	WAKEFIELD	MA	01880
123-1523	KANE GEORGE S JR		36 HUNTER AVE	E WAREHAM	MA	02538
122-1507	NAGLE DAVID M		10 HUNTER AVE	E WAREHAM	MA	02538





- MA Place:
  - Fire Station
  - Police Station
  - Town Hall
  - Public Library
  - School
- Buildings
- Parcels
- Town Boundary
- MA Highways
  - Interstate
  - 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 accuracy or misrepresentation of the data.