

ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 22-22

Petitioner Name: Edward Pimental

Map: 3

Lot: 11

Address: 52 Nanumett Street

Project: Construct an attached garage

Special Permit

Variance

Both (Circle one)

WAREHAM TOWN CLERK  
2022 JUL 21 PM3:13

Reason for granting/denying the application:

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Conditions:

- FINDINGS*
1. BUILDING coverage meets 57A(1) away req.
  2. MGL 40A set 10 (for 36% increase ABOVE
  3. ALLOWED 25% of 11.1%)
  - 4.
  5. on set BACK BOARDS for
  6. applicant NOT substantially Detrimental
  7. TO THE NEIGHBORHOOD, Therefore BOARD
  8. WILL act upon it AS A SPECIAL PERMIT.
  9. our special permit is GRANTED with
  10. STANDARDS compliance.

Town of Wareham

BOARD OF APPEALS

Petition No. : 22-22  
Book: 333951 Page: 0346  
Date: 07/13/2022

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

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

To: Edward Pimental

Address: 52 Nanumett Street

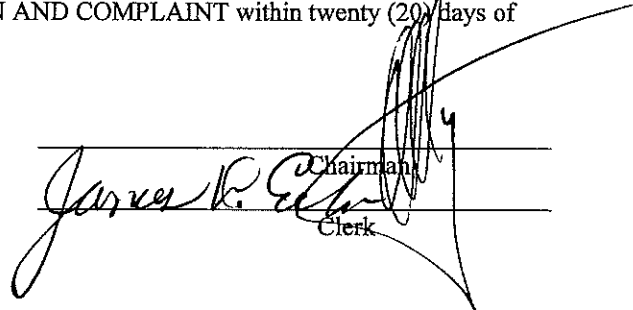
City or Town: Wareham, MA

Affecting the rights of the owner with respect to land or buildings at 52 Nanumett Street, Wareham MA

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Special Permit 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 variance, 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.

  
\_\_\_\_\_  
Chairman  
Clerk

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

No. 22-22

Petition of: Edward Pimental

Location of Property: 52 Nanumett Street

Date of Notification of Hearing: July 13, 2022

Date of Hearing: July 13, 2022

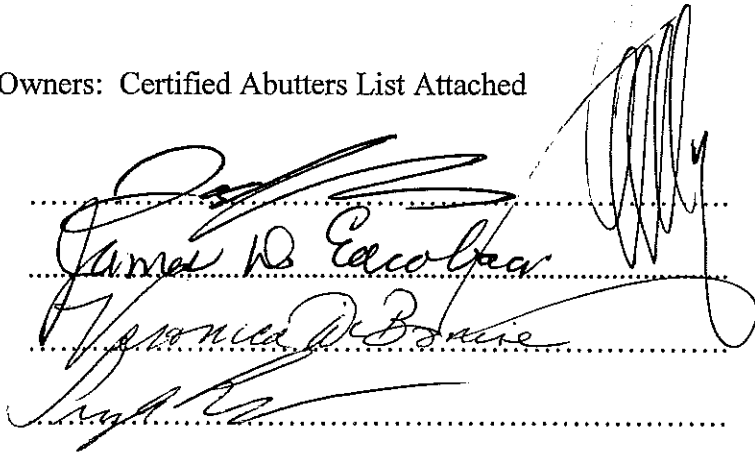
Date of Notification of Decision: July 13, 2022

DECISION: See attached

REASON:

WAREHAM TOWN CLERK  
2022 JUL 21 PM3:13

Name and Address of Abutting Owners: Certified Abutters List Attached



James B. Caccolpa  
Veronica DeBourse  
[Signature]

Board of Appeals

## NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

**Petition: 22-22**

**Applicant/Owner: Edward Pimental**

**Owner Address: 52 Nanumett Street, Wareham, MA**

**Subject Property Address: 52 Nanumett Street, Wareham, MA**

**Subject Property Parcel ID: Map 3, Lot 11**

**Date of Public Hearing: July 13, 2022**

**Date of Notice: July 13, 2022**

### Decision/Reason:

The Zoning Board of Appeals grants a Special Permit & Variance for the construction of an attached garage at 52 Nanumett Street. The Board held a public hearing, took testimony and reviewed the filed documentation.

The Board found that the proposed attached garage is not more detrimental to the neighborhood than the existing conditions, and that the 11% increase in FAR requires a Variance. Relief for the setbacks can be granted through the Wareham Zoning By-Law. The overall project does not create a substantial impact to the neighborhood, and it meets the standard considerations of statutory requirements under MGL Chapter 40A Sections 9 & 10, and the Zoning By-Law.

The Board finds the proposal meets the tests under State law for a Special Permit & Variance, and grants the requested relief.

### Conditions:

1. The renovations shall be constructed per the site plan submitted with the application, by Farland Corp., dated March 11, 2022.
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 Variance or Special Permit has not commenced within a) one year from the date of which a copy of this decision is filed with the Town Clerk for the Variance, or b) two years from the date of which a copy of this decision is filed with the Town Clerk for the Special Permit, excluding the amount of time required for an appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then the Special Permit & Variance 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 or Variance does so at the risk that a court may reverse the permit and 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**

TOWN OF WAREHAM ABUTTERS							
MAP 3 LOT 11 300'							
OWNER KATHLEEN E & EDWARD G PIMENTAL SR							
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE	
3-108	OUTCHCUNIS NIKOLAS	OUTCHCUNIS JOANNE	27 BAY ST	BUZZARDS BAY	MA	02532	
3-88	YEAMAN PAUL A JR ET ALS TRUSTEES	YEAMAN FAMILY IRREV TRUST	28 BAY ST	BUZZARDS BAY	MA	02532	
3/A-4-67/B	FLANDERS LOUISE A LIFE ESTATE		50 NANUMETT ST	BUZZARDS BAY	MA	02532	
3-87	NICCOLI ANN E TRUSTEE	ANN E NICCOLI TRUST	15 LEDGEWOOD DR	BRIDGEWATER	MA	02324	
3-81	NEEDHAM JOHN J JR	GOES MARY K	31 MONROE ST	BUZZARDS BAY	MA	02532	
3-11	PIMENTAL KATHLEEN E	PIMENTAL EDWARD G SR	52 NANUMETT ST	BUZZARDS BAY	MA	02532	
3-80	WYATT GLENN D	WYATT MARJORIE C	P O BOX 1584	ONSET	MA	02558	
3-22	NADEAU JOSEPH J		54 NANUMETT ST	BUZZARDS BAY	MA	02532	
3-21	CARCHIO EUDOXIA LIFE ESTATE	C/O DAVID CARCHIO	180 MILLVILLE RD	MENDON	MA	01756	
3-9	ONSET ISLAND GARAGE ASSOC	C/O SARAH RICHARDS	787 LAGRANGE ST	W ROXBURY	MA	02132	
3-16	BUSHNELL ROBERT MOORE	BUSHNELL ELLEN WYNN	11 MONROE ST	BUZZARDS BAY	MA	02532	
3-5	ANDERSEN LESLIE ALS RE	C/O PAUL ROEBER	15 WHITE HILL RD	CUMBERLAND	RI	02864	
CERTIFIED ABUTTERS AS THEY APPEAR							
ON OUR TAX ROLLS AS OF 6/6/2022							
ASSESSORS OFFICE							
REQUESTED BY							
EDWARD PIMENTAL							
508 813-8327							
RUDYKINS@COMCAST.NET							

*Edw Pimental*