

*** Electronic Recording ***
Doc#: 00053901
Bk: 58210 Pg: 51 Page: 1 of 5
Recorded: 08/23/2023 10:07 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 25-23
Book: 44766 Page: 0103
Date: 07/13/2023

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: 37 Oak Street Realty Trust - James T. Dunn & Ellen M. Dunn, Trustees

Address: 6 Caroline Drive

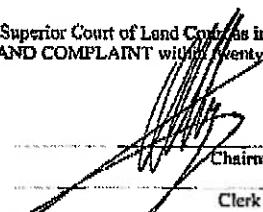
City or Town: Milton, MA 02186

Affecting the rights of the owner with respect to land or buildings at 37 Oak Street, Assessor's Map 39, Lot 31

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 Cases 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

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 40A of the Massachusetts General Laws.


Town Clerk
AUG. 22, 2023

WAREHAM TOWN CLERK
2023 JUL 25 4:55

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

No. 25-23

Petition of: 37 Oak Street Realty Trust / James & Ellen Dunn, Trustees

Location of Property: 37 Oak Street

Date of Notification of Hearing: June 22, 2023 & June 29, 2023

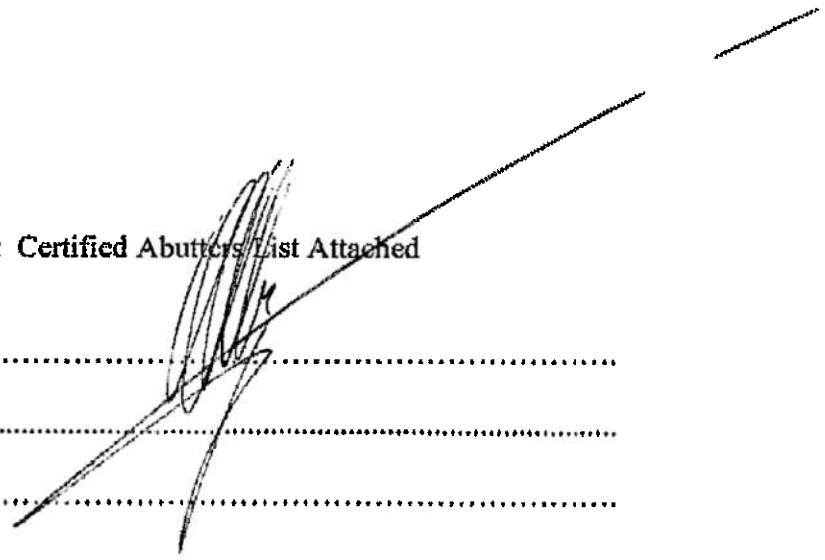
Date of Hearing: July 12, 2023

Date of Notification of Decision: July 13, 2023

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.

Delia P. Thomas
Town Clerk

AUG. 22, 2023

Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 25-23

Applicant: 37 Oak Street Realty Trust / James T. Dunn & Ellen M. Dunn, Trustees

Owner: Same

Owner Address: 6 Caroline Drive, Milton, MA 02186

Subject Property Address: 37 Oak Street

Subject Property Parcel ID: Map 39, Lot T31

Date of Public Hearing: July 12, 2023

Date of Notice: July 13, 2023

Decision/Reason:

The Petitioner was before the Zoning Board of Appeals on July 12, 2023 pursuant to a Denial Letter issued by the Building Commissioner on May 8, 2023 who determined that the Petitioner's plan to construct two additions within the side setback needed to be denied. The Commissioner found that a Special Permit pursuant to Article 13, Zoning Protection Section 1352 needed to be obtained as well as Special Permit or Variance from Section 1353. The Commissioner noted the proposed project is located in the MR-30 district. As such, the owner petitioned for relief to the Zoning Board of Appeals. At the hearing, the Board found that the Petitioner was properly before the Zoning Board of Appeals and that two Special Permits should be granted.

The Board finds the following:

1. The new additions and renovations will not be substantially more detrimental to the neighborhood than the existing structure.
2. Proposed renovation will not cause or contribute to any undue nuisance, hazard, or congestion in the neighborhood, zoning district, or town.

Based upon the above the Board votes to grant the Petitioner the Special Permits to add additions to the property and increase the size of the shed as approved on the Site plan by J.C. Engineering labeled "Proposed Site Plan at 37 Oak Street, Wareham, MA" dated April 5, 2023, and architectural plans "Jim and Ellen Dunn Residence" by 3ive, dated May 30, 2023, as submitted to the Board.

The Board issued this decision with standard conditions as follows:

1. Any relief not expressly granted hereunder is hereby denied.
2. 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 appeal 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.
3. 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.
4. 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.

- 5. If the applicant wishes to modify the approved recorded 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 with the need for any further ZBA approval.**

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

TOWN OF WAREHAM ABUTTERS

MAP 39 LOT T31 300'

OWNER JAMES T & ELLEN M DUINN LIFE ESTATE

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
39-0-M16.B	VIEIRA EDWARD M, TRUSTEE	10 OAK STREET, TEMPEST KNOB,	WAREHAM, MA	02571
39-0-M17.A	DARGON JAMES F, DARGON ANN M	12 OAK ST,	WAREHAM, MA	02571
39-0-M17.B	BROGIOLI DAVID J, BROGIOLI TRICIA MARIE	14 OAK ST,	WAREHAM, MA	02571
39-0-M18	GOVONI JENNIFER L	16 OAK ST,	WAREHAM, MA	02571
39-0-M19.A	MCCANN WILLIAM P, MCCANN LINDA M	20 OAK ST,	WAREHAM, MA	02571
39-0-M19.B	KING WALTER D, KING LOUISE P	22 OAK ST,	WAREHAM, MA	02571
39-0-T24	SIMMLER JAMES R, SIMMLER KATHERINE A	68 NO MAIN ST,	NO GRAFTON, MA	01536
39-0-T25	SOMERS PAUL G, SOMERS DONNA J	6 OAK TER,	WAREHAM, MA	02571
39-0-T26	NGUYEN DIEMTIEN, UONG TUAN	236 E FOXBORO ST,	SHARON, MA	02067
39-0-T27	VAN DER WAL KARIN M E,	29 OAK ST	WAREHAM, MA	02571
39-0-T29	VITA RICHARD N, VITA BEVERLY B	33 OAK ST,	WAREHAM, MA	02571
39-0-T30.A	COEUR DE ROY LLC	25 HOLLY RD	MARION, MA	02738
39-0-T30.B	GIORDANI ELIZABETH, C/O ELIZABETH ROY	25 HOLLY RD	MARION, MA	02738
39-0-T31	DUINN JAMES T, DUINN ELLEN M LIFE ESTATE	6 CAROLINE DR	MILTON, MA	02185
39-0-T32	MONCEY PATRICIA A TRUSTEE, THE MONCEY FAMILY TRUST	39 OAK ST,	WAREHAM, MA	02571
39-0-T33	AEVAZELIS DIMITRIOS, AEVAZELIS LEFKI	53 GENERAL COBB ST,	TAUNTON, MA	02780
39-0-T34	MARAIST BARBARA D,	4129 INDIAN BAYOU,	DESTIN, FL	32541
39-0-T35	MCCAFFREY JOHN, MCCAFFREY SUSAN BOWMAN	45 OAK ST	WAREHAM, MA	02571
39-0-T36.A	MARGER INVESTMENTS LLC	146 SECOND ST STE 103	ST PETERSBURG, FL	33701
39-0-T36.B	FABROSKI JOHN A III, FABROSKI NANCY LIFE ESTATE	2 FABRS WAY,	E BRIDGEWATER, MA	02333
39-0-T37	ROTONDI ANTHONY J JR,	50 COUNTRY FARM RD,	E BRIDGEWATER, MA	02333

CERTIFIED ABUTTERS AS THEY APPEAR
ON OUR TAX ROLLS AS OF 5/9/2023

W. Renee Atkins
ASSESSORS OFFICE

REQUESTED BY JULIAN A MORTON

508 295-2522

CHERYL@MORTONLAWLLC.COM