
THE LAW OFFICES OF BELLO & MORTON, LLC

184 Main Street Wareham, Massachusetts 02571 · 508-681-2334

March 14, 2023

Zoning Board of Appeals of Wareham
Memorial Town Hall
54 Marion Road
Wareham, Ma 02571

*Re: Attorney Opinion Letter for 10-23 David R. and Jody O. Gastfriend – Building Permit – 8
Beach Plum Lane – Map 28, Lot M7*

Dear Board:

I represent Mr. & Mrs. David R. Gastfriend for the above application to remove a first-floor deck and construct a first-floor addition and second floor deck within the same footprint as the existing deck located at 8 Beach Plum Lane here in Wareham.

The Lot is located in the Residential Zoning district Residence 60. (R-60).

Ruling of the Building Commissioner:

Mr. Turner denied the building application for single family on the site under the following section: **Article 6: Density and Dimensional Regulations, 621 Residential Districts R-60, Side setback and a Special Permit needs to be obtained from the Zoning Board of Appeals.**

Legal Analysis:

We are seeking a Special Permit under: 1460 SPECIAL PERMIT:

The Board of Appeals shall have the authority to hear and decide applications for all changes, alterations, or extensions of a non-conforming structure or Use that requires a Special Permit. Special Permits shall only be issued following a public hearing held within 65 days after filing of an application with the Board of Appeals or Planning Board, a copy which shall forthwith be given to the Town Clerk by the applicant, and all notices and other requirements provided by the Zoning Act shall govern said hearing. 1461 The Board of Appeals or Planning Board shall not approve any application for a Special Permit unless it finds that in its judgement, all of the following conditions are met:

1. The Use as developed will not adversely affect the neighborhood.
2. The specific site is an appropriate location for such a Use, structure, or condition.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed Use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds, or saltwater embayments.
5. The Use or structure as proposed does not pose a substantial detriment to the town or neighborhood in which it is proposed.
6. The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-law

I am of the opinion that the new addition will not have any adverse effects on the neighborhood and it is actually helping improve the property values and bring back to life a home for this family.

The construction will be on the same footprint as the existing deck and will not be adding new nonconformities. Obviously, there will not be any issues with nuisance or serious hazards to vehicles and there are adequate and appropriate facilities for this site. The site confirms to all other applicable provisions of the By-Laws.

Furthermore, attached are 5 abutters letters in support of this project. All of which have a supporting view that this proposed build will not substantially detrimental to the neighborhood and will enhance it. All things considered allowing this Special Permit should be allowed and certainly would not derogate from the intent of the Zoning By Law.

Respectfully submitted,

By: *Julian A. Merton, Esq.*

February 14, 2023

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54 Marion Road
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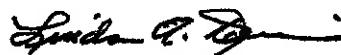
**RE: 8 Beach Plum Ln, Wareham MA
Jody & David Gastfriend**

To the Members of the Zoning Board of Appeals:

I own a home at 4 Beach Plum Lane, Wareham MA 02571. My house is within the 300-foot radius of the home of Jody & David Gastfriend. I would support the Gastfriends' request to build an addition underneath the backyard deck of their house. I have seen the drawings by the engineers and architects. I think their proposed build will not be substantially detrimental to the neighborhood and will certainly enhance their home. It will increase their property value and probably benefit mine a bit as well.

Our neighborhood is full of the natural beauty of Little Harbor Beach, the golf course, bird sanctuary, and cranberry bogs, etc. This addition will not be a problem for this area and therefore the Gastfriends' petition should be allowed and the Special Permit granted.

Thank you,



Linda Domina
4 Beach Plum Lane
Wareham MA 02571

February 14, 2023

Attention: Zoning Board of Appeals
54 Marion Road
Wareham, MA 02571

Re: In Support of Project on **8 Beach Plum Lane, Wareham, MA 02571**
Owners: **Jody & David Gastfriend**

Dear Zoning Board of Appeals,

I am the owner of the property located at 7 Beach Plum Lane, Wareham MA 02571. Our home is within 300 feet of the Gastfriends' home. We are in favor of the Gastfriends' petition to construct an addition to their home beneath their rear outdoor deck. I have reviewed the engineering plans and the proposed architectural drawings, and I believe that their proposed build will not be substantially detrimental to the neighborhood.

Our lot is waterfront/waterview. We all enjoy the beauty of and want to make sure we are respecting the nature of the neighborhood. This addition will only help our property values rise. I think his petition should be allowed and the Special permit granted.

Thank you,


Karen Ficociello, 7 Beach Plum Ln, Wareham MA 02571

February 14, 2023

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

RE: 8 Beach Plum Ln, Wareham MA 02571

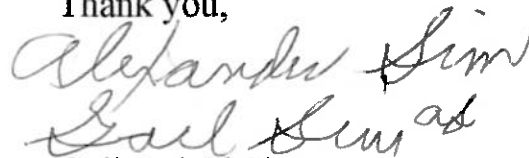
To the Members of the Zoning Board of Appeals:

We are the owners of the home located at 11 Lookout Lane, Wareham MA 02571. Our property directly abuts the Gastfriends' home to the east. We are in support of the Gastfriends' petition to build the addition to their home underneath the rear 2nd floor outdoor deck. We have reviewed the engineers' and architects' drawings. We approve of their building proposal. It will not be substantially detrimental to the neighborhood.

Our lot is directly overlooking Buzzards Bay. We all enjoy the beauty of this beach, the surrounding lands and their natural beauty. This addition will not be substantially detrimental to the neighborhood – in fact, it will likely only boost our property values.

We feel that this petition should be allowed and the Special permit granted.

Thank you,



Gail and Al Sims
11 Lookout Lane
Wareham, Mass. 02571

February 14, 2023

To the Zoning Board of Appeals
54 Marion Road
Wareham, Massachusetts 02571

Re: In Support of Project on 8 Beach Plum Lane, Wareham, MA 02571
Owners: Jody & David Gastfriend

Dear Members of the Zoning Board of Appeals:

We are the owners of the home located at 10 Beach Plum Lane, Wareham MA 02571. Our property directly abuts the Gastfriends' home. We write in support of the Gastfriends' petition to build the addition to their home beneath their rear outdoor deck. We have reviewed the material from the engineers and architects. We are comfortable with their proposed build. It will not be substantially detrimental to the neighborhood.

Our lot is directly on the Buzzards Bay waterfront. We all enjoy the beauty of this neighborhood and its natural beauty. This addition will only increase our property values. We feel that this petition should be allowed and the Special permit granted.

Thank you,

Handwritten signatures of Richard and Elaine Thomas in black ink.

Richard & Elaine Thomas
10 Beach Plum Lane
Wareham MA 02571

February 14, 2023

Attention: Zoning Board of Appeals
54 Marion Road
Wareham, MA 02571

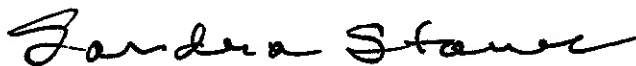
Re: In Support of Project on **8 Beach Plum Lane, Wareham, MA 02571**
Owners: **Jody & David Gastfriend**

Dear Zoning Board of Appeals,

I am the owner of the property located at 9 Beach Plum Lane, Wareham MA 02571. My home is within 300 feet of the Gastfriends' home. I support the Gastfriends' petition to build the addition to their home beneath their rear outdoor deck. I've reviewed the engineering/architectural material. I think that their proposed build will not be substantially detrimental to the neighborhood.

My lot is waterfront/waterview. We all enjoy the beauty of and want to make sure we are respecting the nature of the neighborhood. This addition will only help our property values rise. I think his petition should be allowed and the Special permit granted.

Thank you,



Sandra Stowe, 9 Beach Plum Lane, Wareham MA 02571