

THE COMMONWEALTH OF MASSACHUSETTS
Town of Wareham

WAREHAM TOWN CLERK
2023 NOV 21 PM5:40

BOARD OF APPEALS

**BOTH
SYSTEMS**

Petition No. : 38-23
Book: Page:
Date: 11-9-2023

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 has been granted:

To: Plymouth Ave Realty Trust

Address: 305 Plymouth Ave, East

City or Town: Wareham, MA

Affecting the rights of the owner with respect to land or buildings at 303 & 305 Plymouth Ave., Assessor's Map 124, Lot(s) A-3A, A-4A, 1005 & 1006

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a variance(s) 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 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.

James R. Escobedo
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 40 A of the Massachusetts General Laws.

Domena A. Gremo
Town Clerk
12/13/2023



2024 00848598
Bk: 00675 Pg: 2 Cert: 135002
Doc: CRTF 01/05/2024 10:02 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

*Mauli A M Hunt Jr TR
Mary H. MIAS TR*

BOTH SYSTEMS:
Certificate of Title No. 135002
Book 57628, Page 272



2024 00000916
Bk: 58581 Pg: 9 Page: 1 of 6
Recorded: 01/05/2024 10:34 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

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

WAREHAM TOWN CLERK
2023 NOV 21 PM5:40

No. 38-23

Petition of: Forrest Divine

Location of Property: 303 & 305 Plymouth Avenue

Date of Notification of Hearing: September 21, 2023 and September 28, 2023

Date of Hearing: October 11, 2023 & November 8, 2023

Date of Notification of Decision: November 9, 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.

.....
James R. Escobedo
.....
.....

Debra C. Gennaro
Town Clerk 12/13/2023

.....
Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 38-23

Applicant: Forrest Divine

Owner: Plymouth Ave Realty Trust

Owner Address: 305 Plymouth Ave, East., Wareham, MA 02538

Subject Property Address: 303 & 305 Plymouth Ave

Subject Property Parcel ID: Map 124, Lot(s) A-3A, A-4A, 1005 & 1006

Date of Public Hearing: October 11, 2023 & November 8, 2023

Date of Notice: November 9, 2023

Decision/Reason:

The Petitioner was before the Zoning Board of Appeals on November 8, 2023, and pursuant to a Denial Letter dated August 2, 2023, and revised August 21, 2023, issued by the Building Commissioner who determined that the Petitioner's plan to demolish a one-story seasonal cottage and construct a three story second principle building with a free standing garage requires a Use Variance. The Wareham Building Commissioner determined that the applicant could have only one principal building. In addition, he determined a Variance would have to be sought for the garage which is to be constructed in front of the new single family dwelling, as per the Zoning by law that front setbacks of accessory buildings shall be equal to or greater than the existing principal building's front setback. Accordingly, the Petitioner brought the appeal to the Board of Appeals who granted both Variances on November 8, 2023.

Variances:

The Board reviewed the Petitioner's application, pictures of the existing structure as well as testimony from the landowners and neighbors in support of the project. The Petitioners showed evidence that the site fit the criteria under the Wareham Zoning bylaws and MGL Chapter 40A Section 10 in that the topography of the land and the proximity to the pond make the lot unique. Further that if denied this would create a substantial hardship to the Petitioners and that these Variances can be granted without detrimental harm to the neighborhood as the site has ample lot size and buffers. Also, granting these Variances would not derogate from the intent of the Wareham Zoning By-Laws.

Lastly, the Board found that the waterfront site warranted the granting of the new garage to be built on the site in front of the new dwelling as the incline of the land and proximity to water and location of the septic system made the location the best possible siting. Again, this met the criteria for Variance under the local zoning bylaws and State law.

Based upon the above, the Board grants two Variances in this case; one for construction of the new second dwelling on the single lot, and a second for the placement of the new garage in the front yard on site as shown on the plan titled "Plan to Accompany Notice of Intent for 303 & 305 Plymouth Avenue" prepared for Plymouth Ave Realty Trust, dated 8/1/23.

Further, the granting of these Variances, is subject to the following conditions:

- 1. The additions are to be constructed per the plans submitted with the application, prepared for Forrest Divine, entitled and prepared by Lockwood Architects of PO Box 95, Wareham, MA, dated on August 10, 2022 and revised on August 15, 2022, September 20, 2022, October 5, 2022, October 7, 2022, October 10, 2022, October 15, 2022, December 15, 2022, December 30, 2022, January 10, 2023, January 20, 2023, and March 25, 2023.**
- 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 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/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/Variance does so at the risk that a court may reverse the permit & 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: (4-0-1) By the Wareham Zoning Board of Appeals-Member Veronica Debonise abstained

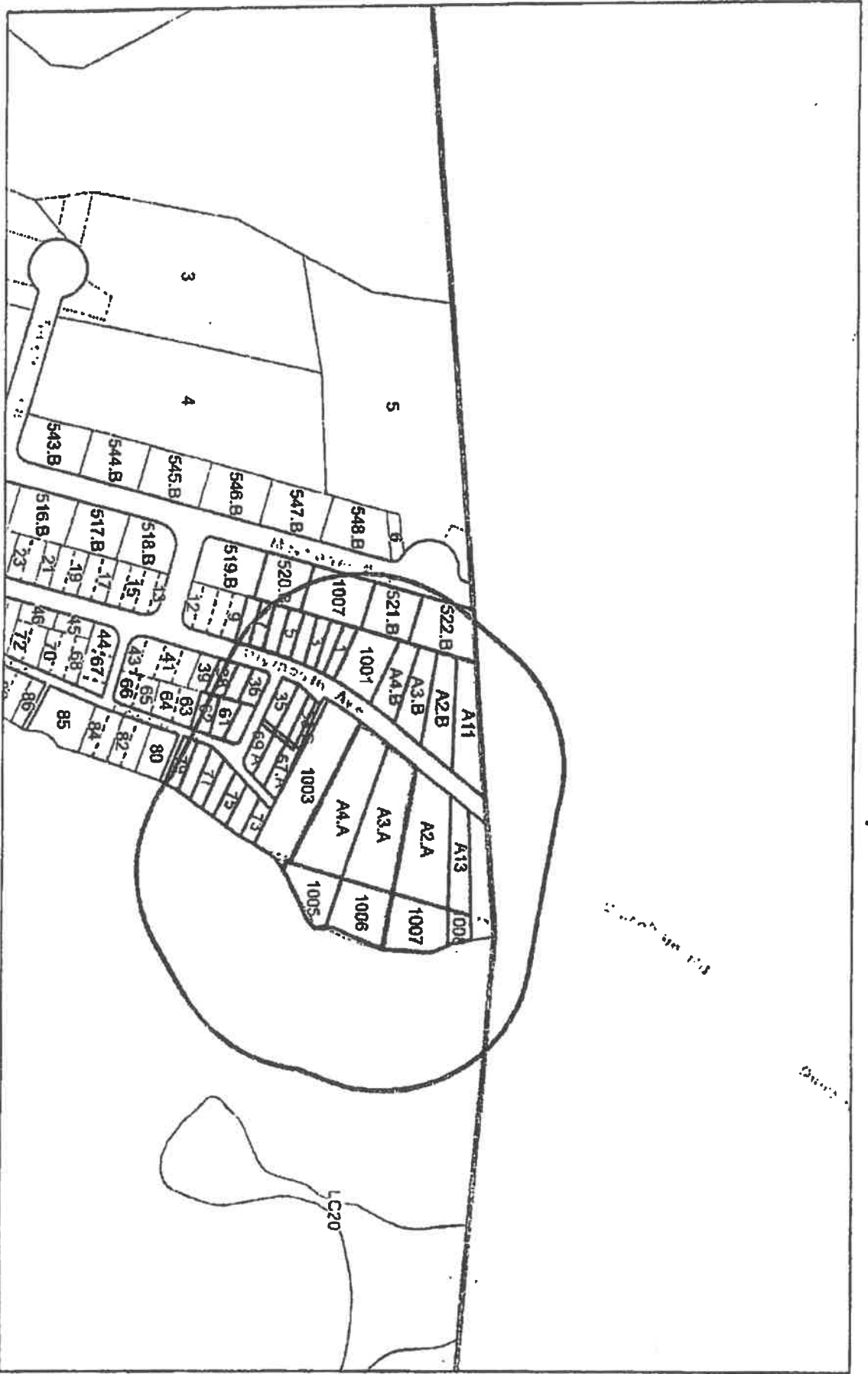
TOWN OF WAREHAM ABUTTERS
 MAP 124 LOTS A-3A, A-4A, 1005, 1006
 OWNERS PAUL A M HUNT & MARY H MIAS

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
118-0-520.8	SEVEN HILLS COMMUNITY SERVICES INC,	81 HOPE AVE,	WORCESTER, MA	01603
118-0-521.8	GAITANE MATTHEW J, GAITANE AMY M	101 MAYFLOWER LN,	E WAREHAM, MA	02538
118-0-522.8	BRADY PAUL S,	103 MAYFLOWER LN,	E WAREHAM, MA	02538
124-0-1	PETRUSEWICZ JOSEPH P, C/O CHRISTINA LUZANTIS EXEC	3 WARD CT,	S BOSTON, MA	02127
124-0-1001	DISEGILO DENISE M,	160 ADAMS AVE,	W NEWTON, MA	02465
124-0-1002	KELLY JOHN P, KELLY EMILY	299 PLYMOUTH AVE	E WAREHAM, MA	02538
124-0-1003	LAMKIN BARRY D, LAMKIN JEAN T	324 SOUTH MAIN ST,	COHASSET, MA	02025
124-0-1005	HUNT PAUL A M JR & MIAS MARY H, HUNT WILLIAM A	305 PLYMOUTH AVE,	E WAREHAM, MA	02538
124-0-1008	PROTASOWICKI WALTER, PROTASOWICKI DELIA	42 JENNIFER ST,	LITTLETON, MA	01460
124-0-3	COOPER ALAN F, CAREY COOPER PATRICIA A	PO BOX 877,	E WAREHAM, MA	02538
124-0-33.A	BRITTON JAMES F, BRITTON ROBERT J JR TRUSTEES	8 SADDLE HILL RD,	MEDWAY, MA	02053
124-0-37	MENZIES DIANE M,	318A POTTER RD,	FRAMMINGHAM, MA	01701
124-0-6	WALKER AGNES F TRUSTEE OF THE, 69 REED STREET REAL ESTATE TRUST	1372 BUSH HILL RD UNIT A204,	MILTON, MA	02186
124-0-60	VERACKA ALAN P, VERACKA USA A	44 PRISCILLA AVE,	E WAREHAM, MA	02538
124-0-74	SMITH RICHARD J TRUSTEE, LOD REALTY TRUST	PO BOX 790	E WAREHAM, MA	02538
124-0-78	SCHNETZER DOROTHY, ROSS GARY	79 LUNAR AVE,	BRAINTREE, MA	02184
124-0-A11	BROCCOLI CAROL M, BROCCOLI ANTHONY J	54 HIDDEN LAKE DR,	NO BRUNSWICK, NJ	08902
124-0-A13	PROTASOWICKI WALTER, PROTASOWICKI DELIA	42 JENNIFER ST,	LITTLETON, MA	01460
124-0-A2.A	ANTONINO JOHN P, ANTONINO DOLORES M	307 PLYMOUTH AVE,	E WAREHAM, MA	02538
124-0-A3.A	HUNT PAUL A M, MIAS MARY H TRUSTEES	305 PLYMOUTH AVE,	E WAREHAM, MA	02538

CERTIFIED ABUTTERS AS THEY APPEAR
 ON OUR TAX ROLLS AS OF 8/21/2023
Cy. Denise DeBruin
 ASSESSORS OFFICE

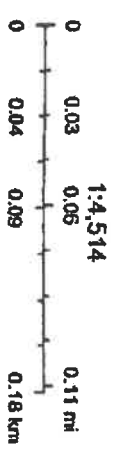
REQUESTED BY CHERYL SILVA
 508 295-2522
 CHERYL@MORTONLAW.COM

ArcGIS Web Map



8/21/2023, 1:42:30 PM

- Parcels with CAMA Data
- Parcel Lines
- Common Line
- PWATER
- Property Line
- MiscPolys
- Public Road
- Private Road ROW
- Right of Way



Esri, HERE, Garmin, INCREMENT P, NOAA, USGS, FEMA, MassGIS | MASSDP | Web Appbuilder for ArcGIS