

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

WAREHAM TOWN CLERK  
2023 NOV 7 PM 3:58

No. 43-23

Petition of: Stephen & Dianne McDonough

Location of Property: 24 Highland Bay Drive, Wareham, MA

Date of Notification of Hearing: October 5, 2023 & October 12, 2023

Date of Hearing: October 25, 2023

Date of Notification of Decision: October 26, 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 W. Caroban*  
.....  
.....

.....  
*Diana A. Genn*  
Town Clerk  
December 7, 2023 Board of Appeals

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

WAREHAM TOWN CLERK  
2023 NOV 7 PM 3:58

BOARD OF APPEALS

Petition No. : 43-23  
Book: 51643 Page: 0283  
Date: October 25, 2023

Certificate of Granting of 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: Stephen & Dianne McDonough

Address: 24 Highland Bay Drive

City or Town: Wareham, MA

Affecting the rights of the owner with respect to land or buildings at 24 Highland Bay Drive, Assessor's Map 58 Lot(s) W67.A, W68, & 1001.A

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

**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 W. Pearson Chairman  
Clerk

Delia A. Innes  
Town Clerk

December 7, 2023

**NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS****Petition: 43-23****Applicant: Stephen & Dianne McDonough****Owner: same****Owner Address: 24 Highland Bay Dr., Wareham, MA****Subject Property Address: 24 Highland Bay Dr., Wareham, MA****Subject Property Parcel ID: Map 58 Lot(s) W67-A, W68, & 1001-A****Date of Public Hearing: October 25, 2023****Date of Notice: October 26, 2023****Decision/Reason:**

The Zoning Board of Appeals held a public hearing on October 25, 2023 to hear testimony and to make findings on the proposed project. The applicant is proposing to construct a new 10' x 30' deck along with a 4' x 6' expansion of the porch, and separately removing a 10' x 10' existing deck and replacing it with a new 10' x 15' deck along with a 10' x 8' staircase down to grade. While the improvements are in keeping with the character of the neighborhood, the expansions create new non-conformities and so require zoning bylaw variances for relief. The variances are for rear and side line setback reductions because of the extension of the decks and staircase. The Board found that the shape of the lot and the construction of the building were such that they create a hardship when trying to improve the property. Further the Board found that the relief when granted would not derogate from the intent of the Zoning Bylaws, and this does not impact the district adversely.

Consequently, the Board voted 4-0-0 to grant the Variances.

**Conditions:**

1. The additions are to be constructed per the plans submitted with the application, prepared for Stephen & Dianne McDonough, entitled "Plan to Accompany Notice of Intent" and prepared by G.A.F. Engineering, Inc. of 266 Main Street, Wareham, MA, dated on June 7, 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 one year 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 and the amount of time required to pursue and await the determination of any such appeal, then this 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 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: (4-0-0) By the Wareham Zoning Board of Appeals**

**ZONING BOARD OF APPEALS DECISION SHEET**

**Petition Number: 43-23**

**Petitioner Name: Stephen & Dianne McDonough**

**Map: 58**

**Lot: W67-A, W-68 & 1001-A**

**Address: 24 Highland Bay Dr., Wareham, MA**

**Project: Proposing to construct a new 10' x 30' deck along with a 4' x 6' expansion of the porch, and separately removing a 10' x 10' existing deck and replacing it with a new 10' x 15' deck along with a 10' x 8' staircase down to grade**

**Special Permit**

**Variance**

**Both (Circle one)**

**Reason for granting/denying the application:**

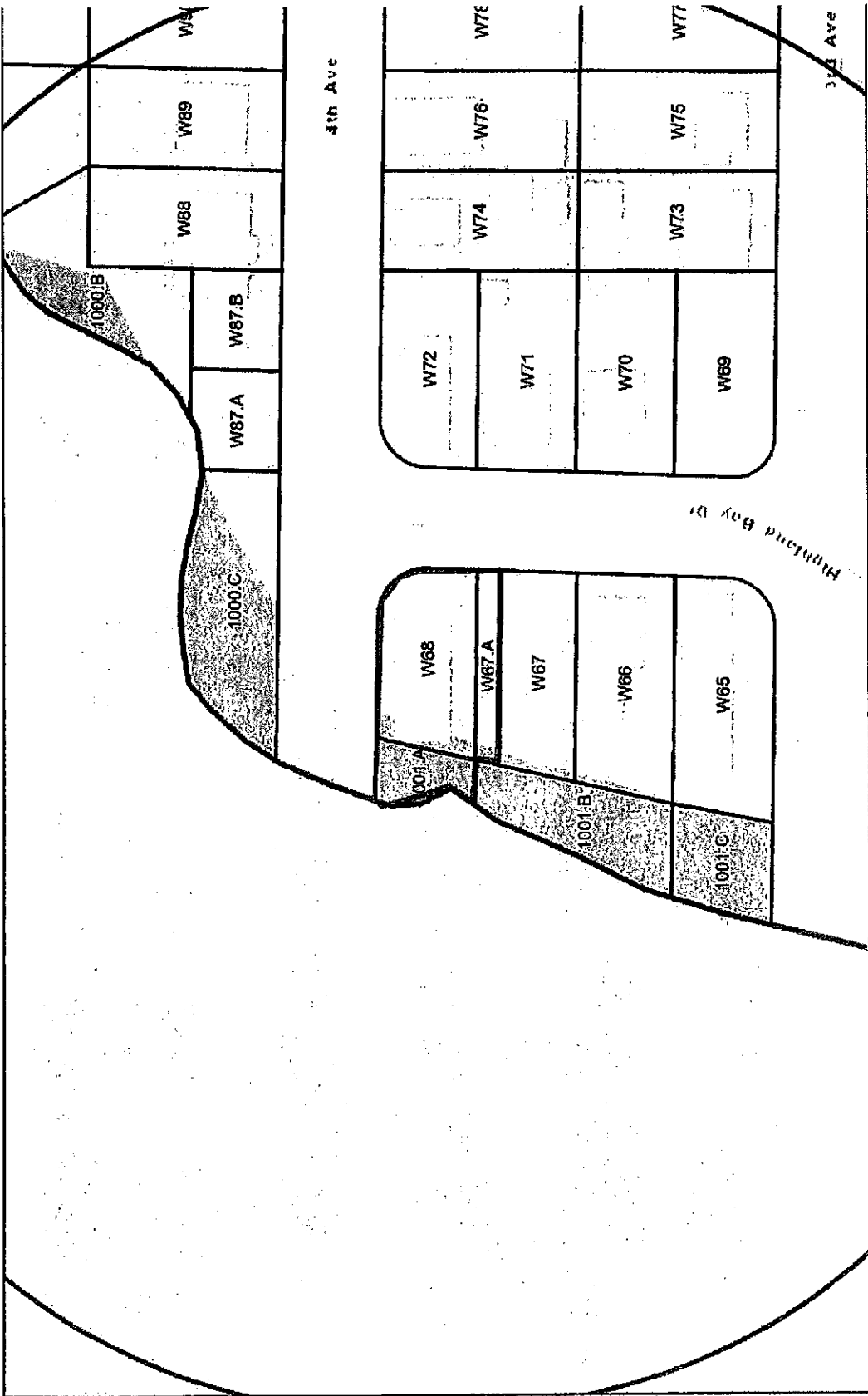
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**Conditions:**

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9. \_\_\_\_\_
10. \_\_\_\_\_

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
58-0-1000.C	TOWN OF WAREHAM, TAX POSSESSION	0.	0, MA	02571
58-0-1001.A	MCDONOUGH STEPHEN, MCDONOUGH DIANNE	110 PUTNAM ST,	QUINCY, MA	02169
58-0-W43	BUTLER SARAH FUNKE,	P O BOX 40614,	PROVIDENCE, RI	02940-0614
58-0-W44	CARUSO RICHARD A, CARUSO CAROLYN L TRUSTEES	4 GRANADA WAY,	ANDOVER, MA	01810
58-0-W46	HIGHLAND BAY DR LLC	7 COX RD	WINCHESTER, MA	01890
58-0-W47	WIKSTEN JOEL P, WIKSTEN JAMIE L	13 HIGHLAND BAY DR,	WAREHAM, MA	02571
58-0-W48	TAFT HEIDI W,	16 THIRD AVE,	WAREHAM, MA	02571
58-0-W50	PLACENTINO PAUL M,	414 DEERFIELD LINKS DR,	MYRTLE BCH, SC	29575
58-0-W52	PAVENTY STEFAMIE M	12 THIRD AVE	WAREHAM, MA	02571
58-0-W54	NASUTI ANDREW W,	10 THIRD AVE,	WAREHAM, MA	02571
58-0-W65	HOSS CAROL A, C/O CAROL ST PIERRE	15 THIRD AVE,	WAREHAM, MA	02571
58-0-W66	DUPRE ANN MARY, ROBERTHOM MICHAEL	22 HIGHLAND BAY DR,	WAREHAM, MA	02571
58-0-W67.A	MCDONOUGH STEPHEN, MCDONOUGH DIANNE	110 PUTNAM ST,	QUINCY, MA	02169
58-0-W68	MCDONOUGH STEPHEN, MCDONOUGH DIANNE	110 PUTNAM ST,	QUINCY, MA	02169
58-0-W69	ALMIEDA KEVIN TRUSTEE, ALMIEDA NOMINEE REALTY TRUST	11 THIRD AVE,	WAREHAM, MA	02571
58-0-W70	SCHAFFER SCOTT A II	19 HIGHLAND BAY DR	WAREHAM, MA	02571
58-0-W71	GOW TAYLOR FRANCIS,	21 HIGHLAND BAY DR,	WAREHAM, MA	02571
58-0-W72	HATCH MICHAEL D, HATCH FRANCES A	89 W SPRING ST,	AVON, MA	02322
58-0-W73	KEITH GOLDIE, ALMIEDA KAREN I GOLDIE TRUSTEE	11 THIRD AVE,	WAREHAM, MA	02571
58-0-W74	SILVA STEVEN D,	12 FOURTH AVE,	WAREHAM, MA	02571
58-0-W75	WILLANDER JOSHUA	9 THIRD AVE,	WAREHAM, MA	02571
58-0-W76	BONFIGLIO DAVID J, BONFIGLIO REBECCA L	10 FOURTH AVE,	WAREHAM, MA	02571
58-0-W80	COSTA MANUEL M, COSTA INES C	14 MAPLE ST,	HUDSON, MA	01749
58-0-W88	YEBBA DOLORES LIFE ESTATE, YEBBA ALFRED A II TRUSTEE	340 CENTRAL AVE,	DEDHAM, MA	02026
58-0-W89	SAVARY PETER J, SAVARY ANGELA M	143 GREAT NECK RD,	WAREHAM, MA	02571
58-0-W90	JULLOA CARLOS A JR,	26 HIGHLAND SHORES DR,	WAREHAM, MA	02571
58-0-W92	BECK ROBERT C, BECK GAIL W	106 HOUGHTONS MILL RD,	LUNENBURG, MA	01462
CERTIFIED ABUTTERS AS THEY APPEAR				
ON OUR TAX ROLLS AS OF 7/31/2023				
<i>W. Renee Otero</i>				
ASSESSORS OFFICE				
REQUESTED BY				
BRIAN GRADY				
508 295-6600				
BRIAN@GAFENG.COM				

ArcGIS Web Map



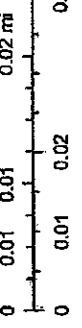
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Parcels with CAMA Data Parcel Lines

Property Line

Common Line Dotted Line

1:1,128



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0 0.01 0.02 0.04 km