

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 48-23
Book: 11983 Page: 0120
Date: 12/14/2023

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: Thomas F. Daly & Susan E. Daly

Address: 65 Stanford Dr

City or Town: Westwood, MA

Affecting the rights of the owner with respect to land or buildings at Assessor's Map 3, Lot 195A, 196A, 197A, 198A

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. Edwards
Chairman
Clerk

Debra A. Thomas
Town Clerk

JAN 11 2024

Property Address: 4 Prospect Street, Wareham, MA
Plymouth Registry Book 11983, Page 120

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

WAREHAM TOWN CLERK
2023 DEC 21 PM 5:39

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James W. Earle Chairman
Clerk

Debra A. Thomas
Town Clerk

JAN 11 2024

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

WAREHAM TOWN CLERK
2023 DEC 21 PM 5:39

No. 48-23

Petition of: Thomas F Daly & Susan F. Daly

Location of Property: 4 Prospect Street

Date of Notification of Hearing: November 23, 2023 and November 30, 2023

Date of Hearing: December 13, 2023

Date of Notification of Decision: December 14, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

I hereby certify that this decision was passed 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.



Town Clerk


.....

JAN 11 2024

.....
Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 48-23

Applicant: Thomas F Daly & Susan F. Daly

Owner: Same

Owner Address: 65 Stanford Drive, Westwood, MA 02090

Subject Property Address: 4 Prospect Street, Onset, MA

Subject Property Parcel ID: Map 3, Lot 195A, 196A, 197A, 198A

Date of Public Hearing: December 13, 2023

Date of Notice: December 14, 2023

Findings:

The Petitioner was before the Zoning Board of Appeals on December 13, 2023, pursuant to a Denial Letter dated October 11, 2023, issued by the Building Commissioner who determined that the Petitioner's plan to demolish a one story building and construct a three-story building as a second principle structure located at 4 Prospect Street requires relief as not more than one principal residential building [with accessory structures] in this residential district is allowed. In addition, the proposed structure will increase the Floor Area Ratio of the site to 26.7 percent from the existing ratio of 15.6 percent. The allowed ratio is 17.0 percent in this district pursuant to Article 6 of the Wareham Zoning Bylaws. Accordingly, the Petitioner brought the appeal to the Board of Appeals which granted the Variances on December 13, 2023.

Variances:

The Board received the request for Variances. The Board found that the Petitioners through their counsel had met the statutory requirements of the Wareham Zoning ByLaws and M.G.L. Chapter 40A Section 10 for the relief of the Variances. The razing of the existing 'cottage' to construct the new single family building was allowed by the Board. The increase in Floor Area Ratio (FAR) on size was warranted to 26.7% due to the existing average/high FAR in the area and was not substantially detrimental to the neighborhood. There was no opposition to the petition. The Petitioner presented over fifteen letters in support of the project.

Based upon the above, the Board granted two Variances in this case, one for construction of the new dwelling and a second for an increase in FAR on the site as shown on the plan titled "Plan to Accompany Zoning Application prepared for Thomas and Susan Daly" prepared by G.A.F. Engineering, and dated October 16, 2023.

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

Conditions:

- 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 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.

3. If substantial use or construction permitted by these Variances 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 these variances 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.
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 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: (4-1-0) By the Wareham Zoning Board of Appeals.

TOWN OF WAREHAM ABUTTERS
 MAP 3 LOT 197/A
 OWNERS THOMAS F + SUSAN E DALY

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
3A-2-10	SHM ONSET BAY LLC	14785 PRESTON RD STE 795	DALLAS, TX	75254
3-0-210	SPROUT WARREN, JOHANNIS SUSAN	13 GRAY ST	BUZZARDS BAY, MA	02532
3A-3-2	MANDELLA MICHAEL, MANDELLA LINDA	4 GREEN ST	BUZZARDS BAY, MA	02532
3A-3-215.D	SMITH CHRISTINE B,	19 PROSPECT ST,	BUZZARDS BAY, MA	02532
3A-3-3	PAQUET VICTOR, PAQUET TOBY	43 HOWARD AVE	WILLIAMSVILLE, NY	14221
3A-3-4	SMITH SHAWN V, SMITH LISA	1 SMELT POND RD	KINGSTON, MA	02364
3A-3-5	CONDINHO CRAIG,	PO BOX 534,	MARSTONS MILLS, MA	02648
3A-3-6.C	HEMSLEY-GAKIDIS REBECCA,	12 GREEN ST,	BUZZARDS BAY, MA	02532
3A-4-1	VERRIER JOHN J JR, DONNA M TRUSTEES J.K. VERRIER LIVING TR	28 NANUMETT ST	BUZZARDS BAY, MA	02532
3A-4-2	TOWER KATIE R,	30 NANUMETT ST,	BUZZARDS BAY, MA	02532
3A-4-3.B	AZIZ STEPHEN G, AZIZ JEAN	70 BOATWRIGHTS LOOP,	PLYMOUTH, MA	02360
3B-1-10	TRUSCOTT KAREN	14 OVERY DR	FALMOUTH, MA	02556
3B-1-4	TOLSON KENNETH W, TOLSON KIMBERLY L	1 CROSS ST,	BUZZARDS BAY, MA	02532
3B-1-6.B	MURPHY VERE E TRUSTEE, VERE E MURPHY 2016 LIVING TRUST	PO BOX 2215,	ORLEANS, MA	02653
3B-1-8	YOUNG CAROL J, ROBERT J TRS & C & R YOUNG TRUST	18 COTTAGE COVE	PLYMOUTH, MA	02360
3B-2-A	MULLIGAN MARY ANN, CARITO FRANCIS J	23 FALMOUTH RD,	WATERTOWN, MA	02472
3B-2-B	DUPUIS GREGORY, DUPUIS MAUREEN	23 EAST ST,	STAFFORD SPRINGS, CT	06076
3B-2-C	PAGEAU TERRANCE L, PAGEAU MARILYN A	18 GERALD AVE,	RANDOLPH, MA	02368
3B-2-D	ROSSI MARILYN L,	7 PROSPECT ST,	BUZZARDS BAY, MA	02532
3B-2-E	SALERNO HANNAH M	17 NANUMETT ST,	BUZZARDS BAY, MA	02532
3B-2-F	HABERSAAT THOMAS W, HABERSAAT PATRICIA F	17601 PRAIRIE VERBENA LN,	ELGIN, TX	78621
3-0-1021.B	GOODELL DOUGLAS, GOODELL MELISSA	26 NANUMETT ST,	BUZZARDS BAY, MA	02532
3-0-1022	ENDERS SHANNON	4875 BUYEA RD	CAZENOVIA, NY	13035
3-0-1024	ATKINS GERALD P SR	PO BOX 544	SAGAMORE BEACH, MA	02562
3-0-144	TOCCI RAYMOND M, TOCCI KATHY L TRUSTEES	65 ORCHARD ST,	MILLIS, MA	02054
3-0-162	BRANDT JOHN M, PETERSON SHARON L TRUSTEES	PO BOX 61,	MANSFIELD, MA	02048
3-0-164.B	GULLA CRAIG S, GULLA ADRIENNE M	5 MASON ST,	BUZZARDS BAY, MA	02532
3-0-166	RUGGIERO MATTHEW B, RUGGIERO KRISTEN T TRUSTEES	7 EAST MAIN ST,	MIDDLEBORO, MA	02346
3-0-167	CHAVES JOSE B, CHAVES MARIA B TRUSTEES	4 BRETON WOOD RD	HUDSON, MA	01749
3-0-168	NEVITT MARK S, NEVITT PATRICIA A	91 NORTH ST,	MIDDLEBORO, MA	02346
3-0-171	ARDUINO BRENDA M TRUSTEE, PUCEL KAREN A	22 CHARLES DR	FRANKLIN, MA	02038
3-0-172.B	CAMILLERI DAVID, CAMILLERI KRISTYN	38 ANDREWS ST,	BUZZARDS BAY, MA	02532
3-0-176	PACCIA MARY LIFE ESTATE,	44 ANDREWS ST,	BUZZARDS BAY, MA	02532
3-0-177	WEIR ROBERT L JR TRUSTEE, ROBERT L WEIR JR TRUST	44 SPARROW RD,	STOUGHTON, MA	02072
3-0-178	SCOTT SHERI ROSE,	50 ANDREWS ST,	BUZZARDS BAY, MA	02532
3-0-192	ROTELLA DAVID R, ROTELLA PAULA J	96 HOLMES AVE,	STOUGHTON, MA	02072
3-0-194	TULCHINSKY SHARON, TULCHINSKY ELLEN	70 NORTHAMPTON ST, APT 203	BOSTON, MA	02118
3-0-195	ALFONSO DEBORAH L TRUSTEE, THEODORE JUDITH A TRUSTEE	PO BOX 42,	ONSET, MA	02558
3-0-197.A	DALY THOMAS P, DALY SUSAN E	65 STANFORD DR,	WESTWOOD, MA	02090
3-0-201	TENNEY DAWN TRUSTEE, INVESTMENT TRUST	PO BOX 332,	ONSET, MA	02558
3-0-202	AVELLINO DOMENIC M, AVELLINO JEAN M	PO BOX 1274,	ONSET, MA	02558
3-0-205	MURPHY BRENDAN D	PO BOX 714	SOUTH DENNIS, MA	02660
3-0-207	HIGGINS SHIRLEY A, LIFE ESTATE	18 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-209	KAMEN ERIC, BELL CYNTHIA	11 GROVENOR RD,	JAMAICA PLAIN, MA	02130
3-0-210	SPROUT WARREN, JOHANNIS SUSAN	13 GRAY ST	BUZZARDS BAY, MA	02532
3-0-211	MCSHEA LORINE,	11 PROSPECT ST	BUZZARDS BAY, MA	02532
3-0-213	TOPPING LAUREN,	87 WEST ST,	MANSFIELD, MA	02048
3-0-214	BELO NORMAN G, BELO ELISABETH C	147 PURCHASE ST,	S EASTON, MA	02375
3A-3-215.D	SMITH CHRISTINE B,	19 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-216	BIGELOW TIMOTHY E, BIGELOW BARBARA	25 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-221	SOSA JOHN N III, HIGGINS ERIN M	16 GRAY ST,	BUZZARDS BAY, MA	02532
3-0-223	ROSSI MARILYN L,	7 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-231	YORK GREGORY SR,	8 GREENWICH ST,	ROXBURY, MA	02120
3-0-G10	KNOWLES TROY A	5 WHEETAMORE DR	ASSONET, MA	02702
3-0-G11	CHICK ZACKARY M	19 ODYSSEY DR	BUZZARDS BAY, MA	25332
3-0-G9	SUTLIFF SUZANNE Q,	PO BOX 205,	E WAREHAM, MA	02538

CERTIFIED ABUTTERS AS THEY APPEAR
 ON OUR TAX ROLLS AS OF 10/17/2023

M. Renee Atkins
 ASSESSORS OFFICE

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

ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 48-23

Petitioner Name: Thomas & Susan Daly

Map: 3

Lot: 195A, 196A, 197A, 198A

Address: 4 Prospect Street

Project: Proposing to demolish an existing 343 square foot, one story building and to construct a 1497 square foot, three story second principle structure.

Special Permit Variance Both (Circle one)

Reason for granting/denying the application:

Conditions:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____