

TOWN OF WAREHAM  
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- Submit completed form, packets, and appropriate fees\*\* to the Zoning Board of Appeals secretary.

\*\*Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

\*\*A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$80.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.73 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 7 John St MAP: 30/E4/1528 LOT: \_\_\_\_\_  
ZONING DISTRICT: R 30

USE REQUESTED: \_\_\_\_\_

OWNER OF LAND & BUILDING: DAVE MITCHELL TEL.# 774-218-9889

ADDRESS OF OWNER: 396 S. PRECINCT ST. E. TAUNTON MA 02718

PERSON(S) WHO WILL UTILIZE PERMIT: DAVE MITCHELL

ADDRESS: 396 S. PRECINCT ST. E. TAUNTON, MA, 02718

DATE: 10/26/2021 SIGNATURE: Dave Mitchell

This application was received on the date stamped here:

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

Tax Collector: Hartley King Date: 9/27/21

Planning/Zoning Dept.: \_\_\_\_\_ Date: \_\_\_\_\_

Application fee paid: 300.00 Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_

Advertising fee paid: 100.00 Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_

Abutters fee paid: 76.47 Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: \_\_\_\_\_ Variance \_\_\_\_\_ Special Permit  Site Plan \_\_\_\_\_ Appeal \_\_\_\_\_

Date stamped in: \_\_\_\_\_ Date decision is due \_\_\_\_\_

Applicant's Name: DALE MITCHELL

Applicant's Address: 396 S. PRECINCT ST. E. TAUNTON, MA 02718

Telephone Number: 774-218-9889

Cell Phone Number: 774-218-9889

Email Address: DBM396@COMCAST.NET

Address of Property/Project: 7 JOHN ST. WAREHAM MA

Landowner's Name: DALE MITCHELL

Owner's Address: 396 S. PRECINCT ST. E. TAUNTON, MA

Telephone Number: 774-218-9889

Contact Person: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Map 50764 Lot 528 Zone R-30

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

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Dale Mitchell  
396 South Precinct Street  
East Taunton, MA 02718

August 24, 2021

**RE:** 7 John Street

Map 50-E-4, Lot 528

I have reviewed your proposal to modify your existing single family dwelling, at 7 John Street, in Wareham, MA. Your proposal is not in compliance with current zoning requirements, and must be denied at this time.

After a careful review of your application, it is my understanding that you would like to construct a 15' x 18' family room addition, where the "Deck" currently exists. The existing dwelling is nonconforming with respect to setbacks, and floor area ratio, and the living space addition would undoubtedly exacerbate those issues. You are proposing to expand along the nonconforming boundary line, as well as increase the floor area ratio from 31% to 38.74% where 30% is permitted as of right. These are considered to be an intensification and /or aggravation of the preexisting nonconformities, and will require a Special Permit from the Zoning Board of Appeals.

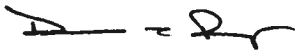
Your permit application is being denied under the following sections of the Wareham zoning by-law:

- **Article 6, Table 628, Residential Districts:** Small lots in residential districts, with less than 5000 square feet, are required to maintain setbacks of 20' in the front yard, and 10' on the sides and rear. Additionally, they are permitted a maximum floor area ratio of 30%.
  - **Article 13 Section 1352 Non-conforming Structures:** A Special Permit is required to expand and /or intensify a lawfully non-conforming structure. If the Board of Appeals finds that the expansion will result in a substantial detriment to the neighborhood, a Variance will be required.
-

You must bring this letter to the Zoning Board office and apply for a hearing where you will request the necessary relief as mentioned above. If you are successful, you will be required to wait 20 days for the statutory appeal period to lapse; you will then need to record the ZBA decision with the Plymouth County Registry of Deeds; then apply for a new building permit to construct the addition and perform the work in accordance with the zoning approval. The existing permit application has been denied and will not be reopened to perform the requested work.

The subject dwelling is located in the R-30 zoning district.

Respectfully,



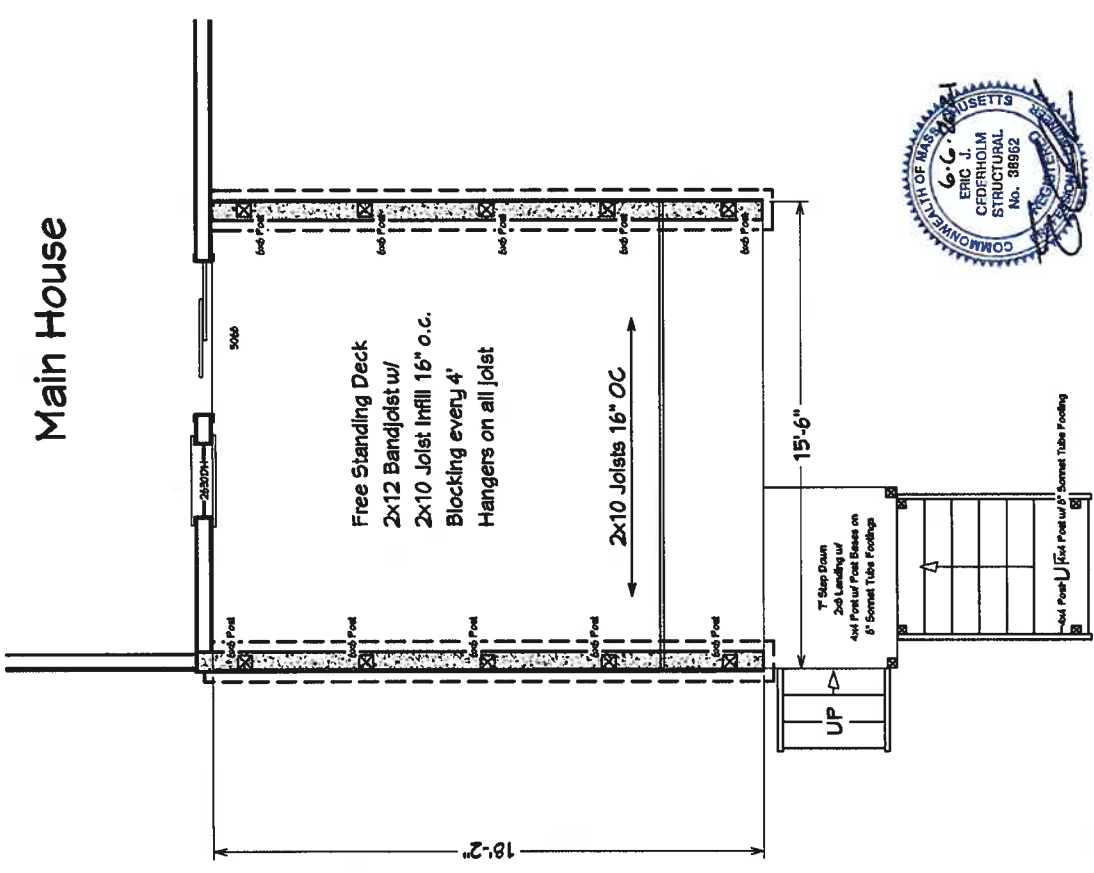
David Riquinha

Building Commissioner

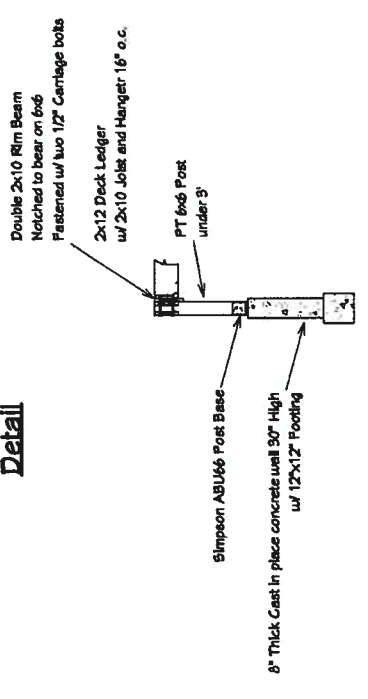
Zoning Enforcement Officer

**It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. to ensure full compliance.**

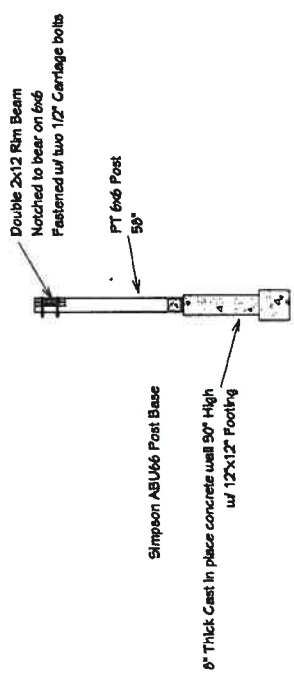
**In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.**



**Left Side Rim Joist Detail**



**Right Side Rim Joist Detail**



Scale: 1/4" = 1'-0" 11x17

# The Mitchell Residence

7 John Street  
Wareham MA 02571

## Page Directory

Pg. 1 - Cover Page

Pg. 2 Existing Deck with structural details

Pg. 3 Proposed Floor & Roof Plan

### Project Description:

Utilize Existing Free Standing Deck Frame  
to make an attached, enclosed and condition addition  
on back of existing house

7 John Street Wareham MA  
02571

Mitchell Addition

Cover Page

DRAWN BY: Mac

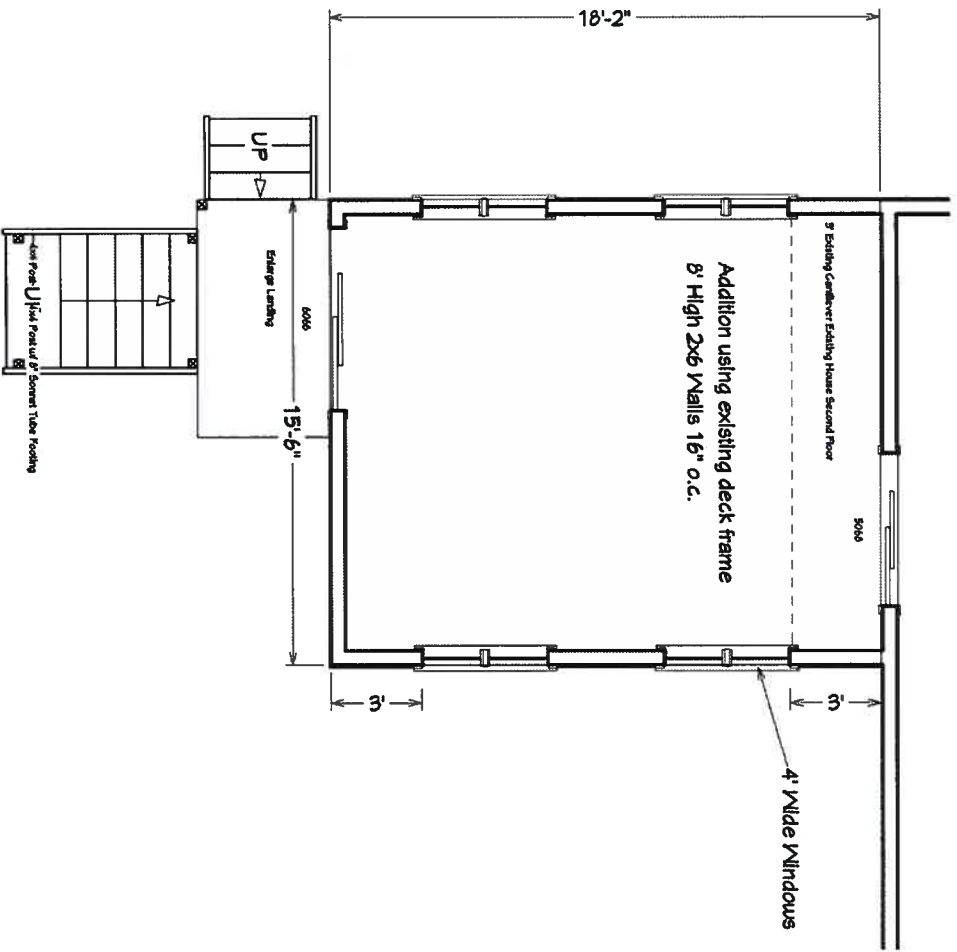
DATE: 6/4/21

SHEET NUMBER

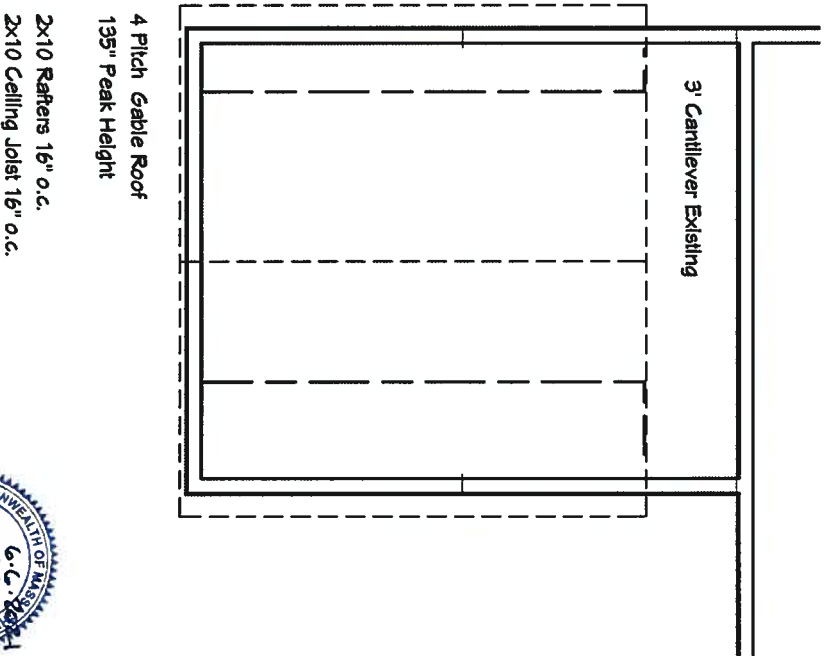
1

REVISION #

# Addition Floor Plan



# Addition Roof Plan



Scale: 1/4" = 1'-0" 11x17



7 John Street Wareham MA  
02571

Mitchell Addition

Addition Floor & Roof Plan

DRAWN BY: Mac

DATE: 6/4/21

SHEET NUMBER

3

REVISION A

*8 abutters  
inc. appeals  
7/6/21*

TOWN OF WAREHAM											
ABUTTERS LIST											
MAP 50E-4 LOT 528											
DALE MITCHELL											
ZONING BOARD OF APPEALS											
7 JOHN ST											
abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_address2	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location		
50/D-348	LYMAN TODD W	LYMAN JULIE	12 LADY SLIPPER DR		WALPOLE	MA	02081	36575/ 66	6 JOHN ST		
50/E-349	LYMAN TODD W	LYMAN JULIE	12 LADY SLIPPER DR		WALPOLE	MA	02081	36575/ 68	8 JOHN ST		
50/E-4-551	MATTHEWS NICOLE M		1 STEPHEN AVE		WAREHAM	MA	02571	55423/ 280	1 CLIFF AVE		
50/E-4-550	LUMINAH SHANNON	DACOSTA DAWN	506 OLD POST RD		N ATTLEBORO	MA	02760	49161/ 263	3 CLIFF AVE		
50/E-4-516	JAMES ROBERT F	JAMES ANN A LIFE ESTATE	32 VERNE ST		BROCKTON	MA	02301	46171/ 198	10 JOHN ST		
50/E-4-530	FULLER ROBERT		755 CRESCENT ST APT 706B		BROCKTON	MA	02302	28236/ 346	7 CLIFF AVE		
50/E-4-525	KARRAS NICK TRUSTEE OF JOHN		82 CLEVELAND ST		ARLINGTON	MA	02174	10147/ 72	9 JOHN ST		
50/E-4-533	SOLISA LAURA LIFE ESTATE		3 FOWLER TERRACE		BURLINGTON	MA	01803	45064/ 5	12 JUDSON ST		
<p>CARTIFIED LIST OF ABUTTERS AS            THEY APPEAR ON OUR TAX ROLLS            AS OF 7-1-2021</p> <p><i>RE Marconi</i></p> <p>ASSESSORS OFFICE</p>											



94022  
Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
21 NOV 2008 03:43PM  
JOHN R. BUCKLEY, JR.  
REGISTER  
Bk 36582 Pg 22

**CANCELLED**  
BRACKTON  
DEEDS REG#22

11/21/08 3:46PM 01  
000000 #0498  
FEE \$490.20  
CASH \$490.20

*Massachusetts Quitclaim Deed*

I, **Concetta M. Marino**  
of 37 Spring Street, West Roxbury, MA 02132

for consideration paid, and in full consideration of **One Hundred Seven Thousand Five Hundred and 00/100 (\$107,500.00) Dollars**

grant to **Dale Mitchell and Elizabeth Mitchell**, husband and wife, as tenants by the entirety  
of 396 South Precinct Street, East Taunton, MA 02718

*with quitclaim covenants*

The land in Wareham, Plymouth County, Massachusetts, on John Street, Arnold Road and Cliff Avenue, and comprising Lots #528 and #529 on a plan entitled "Plan of resubdivision of Lots, Swift's Neck, Wareham, Massachusetts", dated May 4, 1933, Arnold E. Schaier, C.E., and recorded with Plymouth County Deeds in Plan Book 5, Page 237.

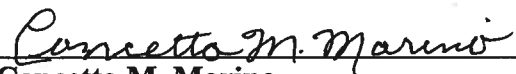
Said premises are conveyed subject to restrictions of record insofar as the same are now in force and applicable.

Being the same premises conveyed to this grantor by deed dated October 17, 1966 and recorded with the Plymouth County Registry of Deeds in Book 3329, Page 545.

PROPERTY ADDRESS: 7 John Street, Wareham, MA 02571

*Witness* my hand and seal this 21<sup>th</sup> day of November, 2008.

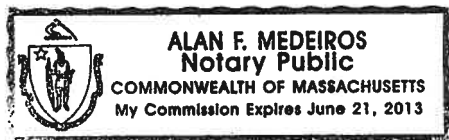
Witness 

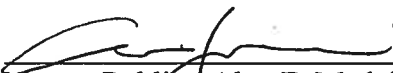
  
Concetta M. Marino

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, ss.

On this 21st day of November, 2008, before me, the undersigned notary public, personally appeared **Concetta M. Marino** and proved to me through satisfactory evidence of identification, which was photo identification, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



  
Notary Public: Alan F. Medeiros  
My commission expires: 6/21/2013

Atty. Alan F. F. Medeiros  
P.O. Box 488  
Taunton, MA 02780

7 John St., Wareham, MA 02571