

# SPECIAL PERMIT APPLICATION

## TOWN OF WAREHAM ZONING BOARD OF APPEALS

84 Parkwood Drive  
Wareham, MA 02571

January 19, 2022

PREPARED FOR:

James V. Kilroe  
84 Parkwood Drive  
Wareham, MA 02571

PREPARED BY:



**JC ENGINEERING, Inc.**  
**Civil & Environmental Engineering**  
*2854 Cranberry Highway*  
*East Wareham, Massachusetts 02538*  
*Ph. 508-273-0377 – Fax 508-273-0377*

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 \$100.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 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: 84 Parkwood Drive LOT: 3 & 4A MAP: 38

ZONING DISTRICT: R-30

USE REQUESTED: addition to a single family dwelling

OWNER OF LAND & BUILDING: James V. Kilroe Life Estate TEL.# \_\_\_\_\_

ADDRESS OF OWNER: 84 Parkwood Drive, Wareham, MA 02571

PERSON(S) WHO WILL UTILIZE PERMIT: James V. Kilroe

ADDRESS: 84 Parkwood Drive, Wareham, MA 02571

DATE: 1-18-22 SIGNATURE: *James V. Kilroe*

This application was received on the date stamped here:

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

Tax Collector: *Dean Hatch* Date: 1-18-22

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

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

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

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



# JC ENGINEERING, Inc.

## Civil & Environmental Engineering

2854 Cranberry Highway

East Wareham, Massachusetts 02538

Ph. 508-273-0377 – Fax 508-273-0367

January 19, 2022

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

RE: Special Permit Application for 84 Parkwood Drive, Wareham, MA

Dear Board Members,

On behalf of the applicant, James V. Kilroe, please find enclosed a Special Permit Application accompanied by supporting design drawing entitled “Proposed Addition at 84 Parkwood Drive, Wareham, MA” dated January 19, 2022 (Plan) for your review and approval. This property is shown as Lots 3 and 4A on Assessor’s Map 38. The existing property contains a 2-story, single-family dwelling built around 1920 according to the Town Assessor’s records. The dwelling also includes an attached garage with second story. Access to the garage from the house is limited to the first floor. The applicant would like to construct a small, second story addition to allow access from the second floor of the house to the second floor of the garage. The location of the addition will be in conformance with the property line setback requirement in the zoning district, but will increase the gross floor area of the dwelling. In accordance with the determination issued by the Building Commissioner, a Special Permit under Article 13, Section 1352 would be required for this proposed project unless the Boards finds the expansion to be a substantial detriment to the neighborhood.

### Zoning Requirements

The property is located in the R-30 Zoning District. Below is a list of the various zoning requirements that classifies the lot and structure as being pre-existing non-conforming.


- In accordance with Article 6, Table 628, a 25% floor area ratio is permitted for lots between 5,001 and 10,000 square feet. With a current lot area of 6,654 square feet and a total floor area of 3,147 square feet, the existing floor area ratio for this property is 47.3%. The applicant would like to add a second story addition with an additional 209 square feet of floor area. The proposed floor area ratio is 50.4%. This represent an increase of 3.1%.

As outlined in Section 1355 of the Wareham Zoning Bylaws, the Board of Appeals shall find that the altered structure will not be substantially more detrimental to the neighborhood than the existing structure, will not cause undue nuisance or congestion to the neighborhood, nor create any new non-conformities. For the following reasons, we feel that the reconstruction of this single family dwelling will neither substantially increase the nonconforming nature of the structure, nor be substantially more detrimental to the neighborhood.

- The proposed addition will be constructed over existing footprint and will be in conformance with the minimum front, side, and rear setback requirements, therefore, it will not create a non-conformity.
- The height of the structure, including the second floor addition, will not exceed the 35 foot maximum height as stated in the Zoning Bylaws, therefore, it will not create a non-conformity. The additional will be constructed over existing footprint and will not impact the view for the abutting properties. As this addition will be utilized to connect the second floor stories on either side, the proposed addition will not be visible from either end of the structure.
- There will be no increase in traffic or noise to the neighborhood, as this dwelling is currently a single family dwelling and will remain a single family dwelling. The typical traffic from a single family dwelling will remain the same.

For the reasons stated above, we would appreciate your favorable vote on a Special Permit for the construction of a second floor addition, which is under the purview of this board.

Respectfully yours,



Bradley M. Bertolo, EIT, CSE  
Project Engineer

Cc: James V. Kilroe



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

---

Brett Bussiere  
7 Peter Cooper Drive  
Wareham, MA 02571

September 15, 2021

RE: 84 Parkwood Drive

Map # 38, Lot # 3

I have reviewed your permit application to alter your preexisting nonconforming single family dwelling at 84 Parkwood Drive, in Wareham, MA. Your proposal is not in compliance with current zoning requirements, and must be denied at this time.

After careful review, I understand that you would like to construct 12' x 13' second floor addition, to connect the room above the garage to the second floor of the main dwelling. The proposal increases the floor area ratio from 33.52% to 35.90% where 25% is permitted as of right. This is an intensification and/or aggravation of a preexisting nonconformity, and requires a Special Permit from the Zoning Board of Appeals.

Your application is being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 628, Existing Small Lots in Residential Districts;** a 25% floor area ratio is permitted for lots between 5001 and 10,000 square feet in residential zoning districts. Your proposal exceeds the permitted value and will require the aforementioned relief in order to proceed.
- **Article 13, Section 1352, Non-Conforming Structures:** Intensification of a lawfully nonconforming residential structure requires a Special Permit from the Zoning Board of Appeals. A Variance will be required if the Board finds that the expansion will result in a substantial detriment to the neighborhood.

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.**

**TOWN OF WAREHAM**

**APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET**

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

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

Applicant's Name: James V. Kilroe

Applicant's Address: 84 Parkwood Drive, Wareham, MA 02571

Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Address of Property/Project: 84 Parkwood Drive, Wareham, MA 02571

Landowner's Name: James V. Kilroe, Life Estate

Owner's Address: 84 Parkwood Drive, Wareham, MA 02571

Telephone Number: \_\_\_\_\_

Contact Person: Bradley Bertolo-JC Engineering Telephone Number: 508-273-0377

Map 38 Lot 3 & 4A Zone R-30

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 84 PARKWOOD DR

**Location** 84 PARKWOOD DR

**Mblu** 38 / 3 / 1

**Acct#**

**Owner** KILROE JAMES V LIFE ESTATE

**Assessment** \$569,900

**Appraisal** \$569,900

**PID** 4655

**Building Count** 1

### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$330,200	\$239,700	\$569,900
Assessment			
Valuation Year	Improvements	Land	Total
2022	\$330,200	\$239,700	\$569,900

### Owner of Record

**Owner** KILROE JAMES V LIFE ESTATE  
**Co-Owner**  
**Address** 84 PARKWOOD DR  
 WAREHAM, MA 02571

**Sale Price** \$100  
**Certificate**  
**Book & Page** 54447/121  
**Sale Date** 02/23/2021  
**Instrument** 1A

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
KILROE JAMES V LIFE ESTATE	\$100		54447/121	1A	02/23/2021
KILROE JAMES V	\$1		8988/0003		01/01/1901

### Building Information

#### Building 1 : Section 1

**Year Built:** 1920  
**Living Area:** 2,190  
**Replacement Cost:** \$411,491  
**Building Percent Good:** 80  
**Replacement Cost Less Depreciation:** \$329,200

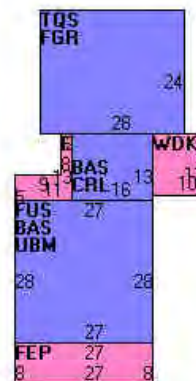
Building Attributes	
Field	Description
Style:	Conventional
Model	Residential
Grade:	Above Ave
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Ceramic Tile
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	7
Bath Style:	Average
Kitchen Style:	Average
# of Fireplaces	1
Fireplace Type	01
Finish Bsmt SF	
Fin Bsmt Qual	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

### Building Photo



(<http://images.vgsi.com/photos2/WarehamMAPhotos/\00\03\64\02.jpg>)

### Building Layout



([http://images.vgsi.com/photos2/WarehamMAPhotos//Sketches/4655\\_4655.jpg](http://images.vgsi.com/photos2/WarehamMAPhotos//Sketches/4655_4655.jpg))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	964	964
FUS	Upper Story	756	756
TQS	3/4 Story Fin	672	470
CRL	Crawl Space	208	0
FEP	Enclosed Porch	216	0
FGR	Garage	672	0
FOP	Open Porch	71	0
UBM	Basement Unfin	756	0
WDK	Deck, Wood	120	0
		4,435	2,190

### Extra Features



Extra Features	<a href="#">Legend</a>
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 1010  
**Description** SINGLE FAMILY  
**Zone** R30  
**Neighborhood** 0071  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 0.15  
**Frontage** 0  
**Depth** 0  
**Assessed Value** \$239,700  
**Appraised Value** \$239,700

**Outbuildings**

Outbuildings						<a href="#">Legend</a>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED/FRAME			96.00 S.F.	\$1,000	1

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$330,200	\$239,700	\$569,900
2021	\$284,100	\$239,700	\$523,800
2020	\$272,000	\$239,720	\$511,720

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$330,200	\$239,700	\$569,900
2021	\$284,100	\$239,700	\$523,800
2020	\$272,000	\$239,700	\$511,700



2021 00021128

Bk: 54447 Pg: 121 Page: 1 of 3  
Recorded: 02/23/2021 11:46 AM  
ATTEST: John R. Buckley, Jr., Register  
Plymouth County Registry of Deeds

**QUITCLAIM DEED**

I, James V. Kilroe, a single person, of Wareham, Massachusetts, for consideration of less than One Hundred and 00/100 (\$100.00) Dollars paid, grant to James F. Kilroe of 46 Shangri-La Blvd., East Wareham, Massachusetts, and Diane M. Kilroe of 804 Foundry Street, South Easton, Massachusetts, reserving to myself a life estate for and during the term of my life under the terms set forth hereafter, with quitclaim covenants, the following land and improvements located at 84 Parkwood Drive, Wareham, Massachusetts 02571:

See Exhibit "A" attached hereto and incorporated by reference.

For Grantor's title, see deed recorded in Plymouth County Registry of Deeds Book 8988 Page 3.

*The Grantor reserves and retains the power to appoint additional, alternate or substitute Grantees of the remainder interest in this Deed, or alter the percentage interest of any remainder, so long as such appointment is not made to the Grantor. The exercise of this special power of appointment by Grantor shall be made in writing and recorded in the Plymouth County Registry of Deeds. This special power of appointment shall terminate upon the death of the Grantor and may be released by the Grantor by written instrument recorded in said Registry. No notice to or assent by the Grantees in this Deed or their successor grantees or assigns shall be necessary with regard to the Grantor's exercise of these special powers of appointment.*

Property: 84 Parkwood Dr., Wareham, MA 02571

Return to:  
James V. Kilroe  
84 Parkwood Dr.  
Wareham, MA 02571

Executed as a sealed instrument this 12 day of February, 2021.

  
James V. Kilroe

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 12<sup>th</sup> day of February, 2021, before me, the undersigned notary public, personally appeared James V. Kilroe, proved to me through satisfactory evidence of identification, which was MA Driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.




  
Kristine L. Burke, Notary Public  
My Commission Expires: December 18, 2026

Exhibit A

Two certain parcels of land together with the buildings thereon situated in Wareham, Plymouth County, Massachusetts, more fully bounded and described as follows:

PARCEL #1

The land together with the buildings thereon in said Wareham shown as Lot No. 3 on a Plan entitled, "Plan #1 of Lots at Parkwood Beach dated May 1, 1923, Hayward & Hayward, Surveyors," recorded with the Plymouth County Registry of Deeds in Plan Book 3, Page 512, to which Plan reference is hereby made for further and more particular description. Said lot contains, according to said Plan, 4,654 square feet.

PARCEL #2

The land in said Wareham being one-half of Lot #4 as shown on a "Plan #1 of Lots at Parkwood Beach, dated May 1, 1923, Hayward & Hayward, Surveyors," recorded with the Plymouth County Registry of Deeds, in Plan Book 3, Page 512, being bounded and described as follows:

NORTHWESTERLY 25 feet on Parkwood Drive as shown on said Plan;

SOUTHWESTERLY by Lot No. 3 and in part by Lot No. 2 as shown on said Plan, 80 feet;

SOUTHEASTERLY by Lot No. 27 as shown on said Plan, 25 feet; and

NORTHEASTERLY by the remaining half of said Lot No. 4 as shown on said Plan, 80 feet.

Subject to easements and restrictions of record insofar as the same may be in force and applicable.

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 38 LOT 3 300'						
OWNER JAMES V KILROE						
38-3	KILROE JAMES V LIFE ESTATE		84 PARKWOOD DR	WAREHAM	MA	02571
38-1	BROOKS KEVIN	BROOKS SUZY D	88 PARKWOOD DR	WAREHAM	MA	02571
38-4/B	ADAMS CYNTHIA C		80 PARKWOOD DR	WAREHAM	MA	02571
38-6	HALPIN MARY J & ANDERSON JULIE HALPIN	C/O JULIE HALPIN ANDERSON	333 EAST 30TH ST-4M	NEW YORK	NY	10016
38-25/B	COX DANIEL W, JOHN C & OCONNOR JANINE TR	C/O GERARD L COX	290 SHAWMUT AVE UNIT 2	BOSTON	MA	02118
38-7	KEARNS MARK F	C/O ATLANTIC	123 WASHINGTON ST STE 7	FOXBORO	MA	02053
38-23/B	BULMAN PAUL F	BULMAN MARY B TRUSTEES	31 ASH ST	WAREHAM	MA	02571
38-1002	PARKWOOD BEACH IMPROVEMENT ASSOCIATION	C/O WILLIAM P CANNON	2ASH ST	WAREHAM	MA	02571
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 1/18/2022						
<i>G. R. Otero</i>						
REQUESTED BY						
BRADLEY BERTOLO						
JC ENGINEERING, INC.						
508 273-0377						
BBERTOLO@JCENG.ORG						





84 PARKWOOD DRIVE, WAREHAM, MA







# 84 Parkwood Drive

Wareham, MA 02571

**James Kilroe**

## DRAWINGS

COVER

2 Existing View

3 New View

4 Floor Frame

5 Roof Frame

6

7

8



**Brett Bussiere**

**7 Peter Cooper Drive**

Wareham, Ma

Tel: 508-776-7185

Email: [brettbussiere@aol.com](mailto:brettbussiere@aol.com)

3/21/2021

Brett Bussiere  
7 Peter Cooper Drive  
Wareham, MA 02571  
Tel: (508) 776-7185  
Brett Bussiere Construction  
Email: brettbussiere@aol.com

NOTES:  
Existing view



PROJECT ADDRESS:  
**84 Parkwood Dr.  
Wareham, MA 02571**

PREPARED FOR:  
**James  
Kilroe**

DRAWING TITLE:  
**Second floor  
entrance to garage**

Drawn By: **bb**

Revision: **bb**

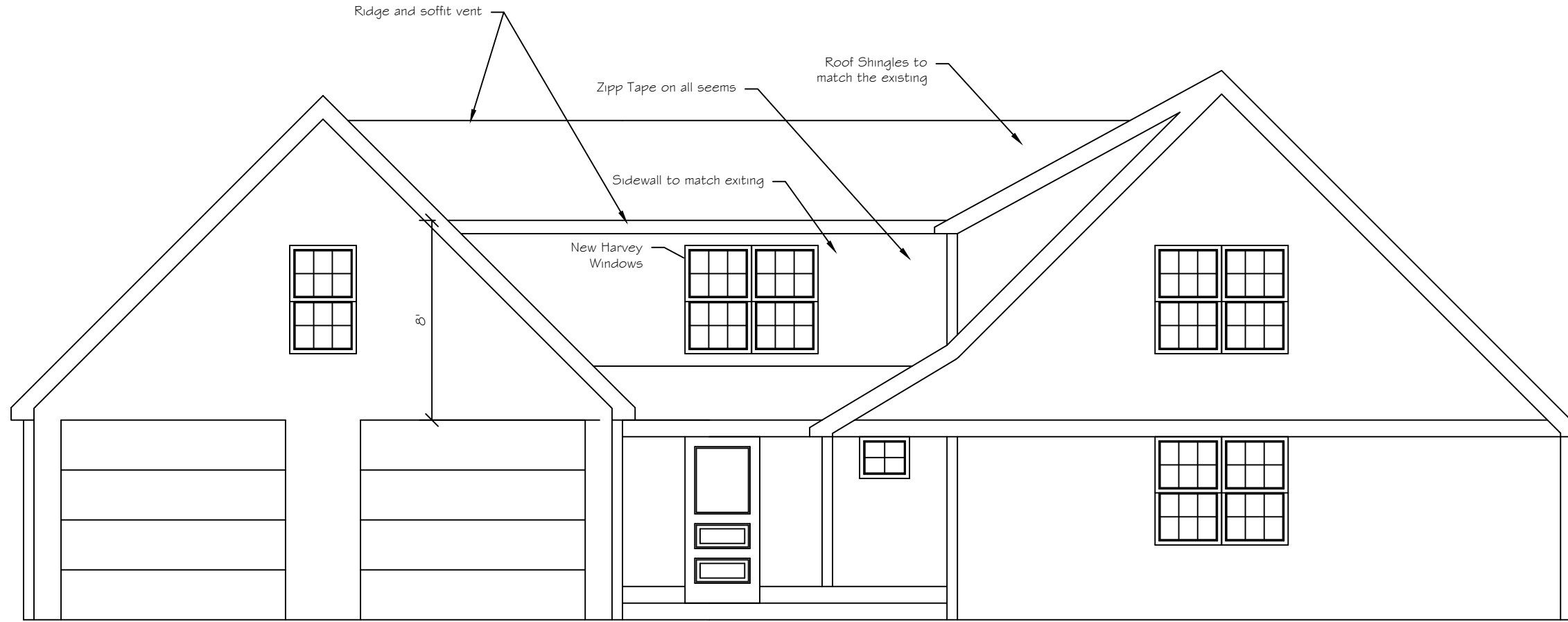
SCALE:  
**3/16" = 1'-0"**

DATE:  
**3/28/2021**

SHEET:  
**2 OF 5**

Brett Bussiere  
7 Peter Cooper Drive  
Wareham, MA 02571  
Tel: (508) 776-7185  
Brett Bussiere Construction  
Email: brettbussiere@aol.com

NOTES:  
New view



PROJECT ADDRESS:  
**84 Parkwood Dr.  
Wareham, MA 02571**

PREPARED FOR:  
**James  
Kilroe**

DRAWING TITLE:  
**Second floor  
entrance to garage**

Drawn By: **bb**

Revision: **bb**

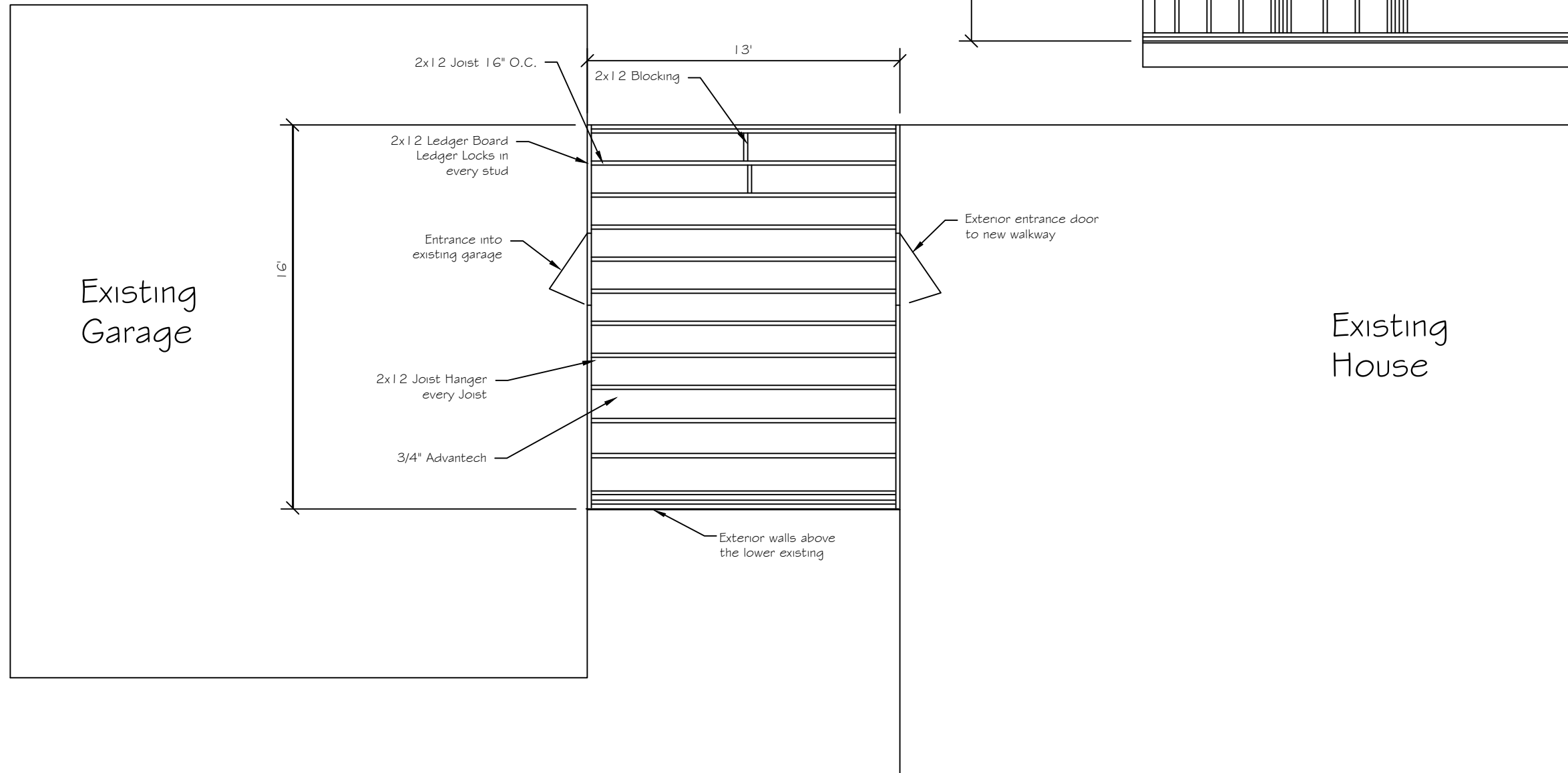
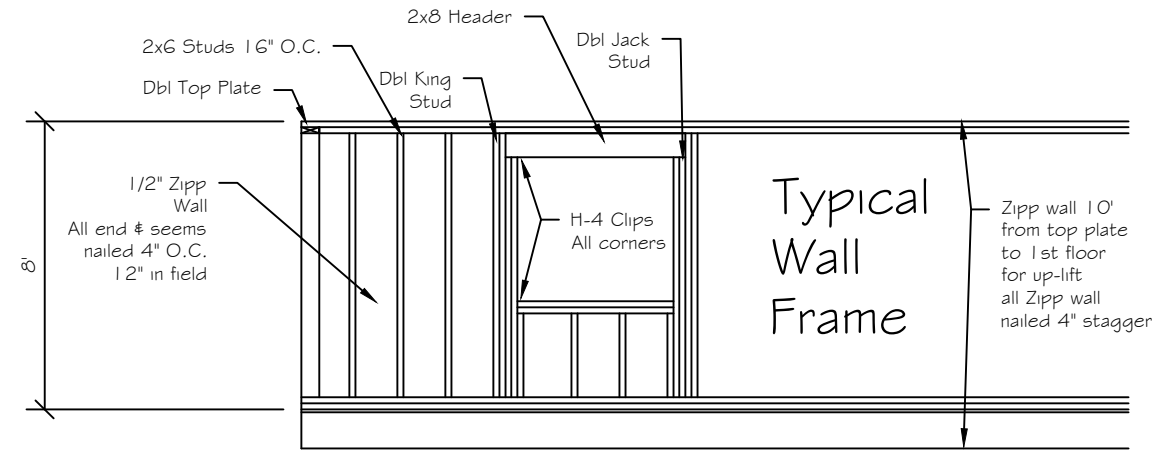
SCALE:  
**3/16" = 1'-0"**

DATE:  
**3/28/2021**

SHEET:  
**3 OF 5**

Brett Bussiere  
 7 Peter Cooper Drive  
 Wareham, MA 02571  
 Tel: (508) 776-7185  
 Brett Bussiere Construction  
 Email: brettbussiere@aol.com

NOTES:  
 Floor frame and wall detail



PROJECT ADDRESS:  
 84 Parkwood Dr.  
 Wareham, MA 02571

PREPARED FOR:  
 James  
 Kilroe

DRAWING TITLE:  
 Second floor  
 entrance to garage

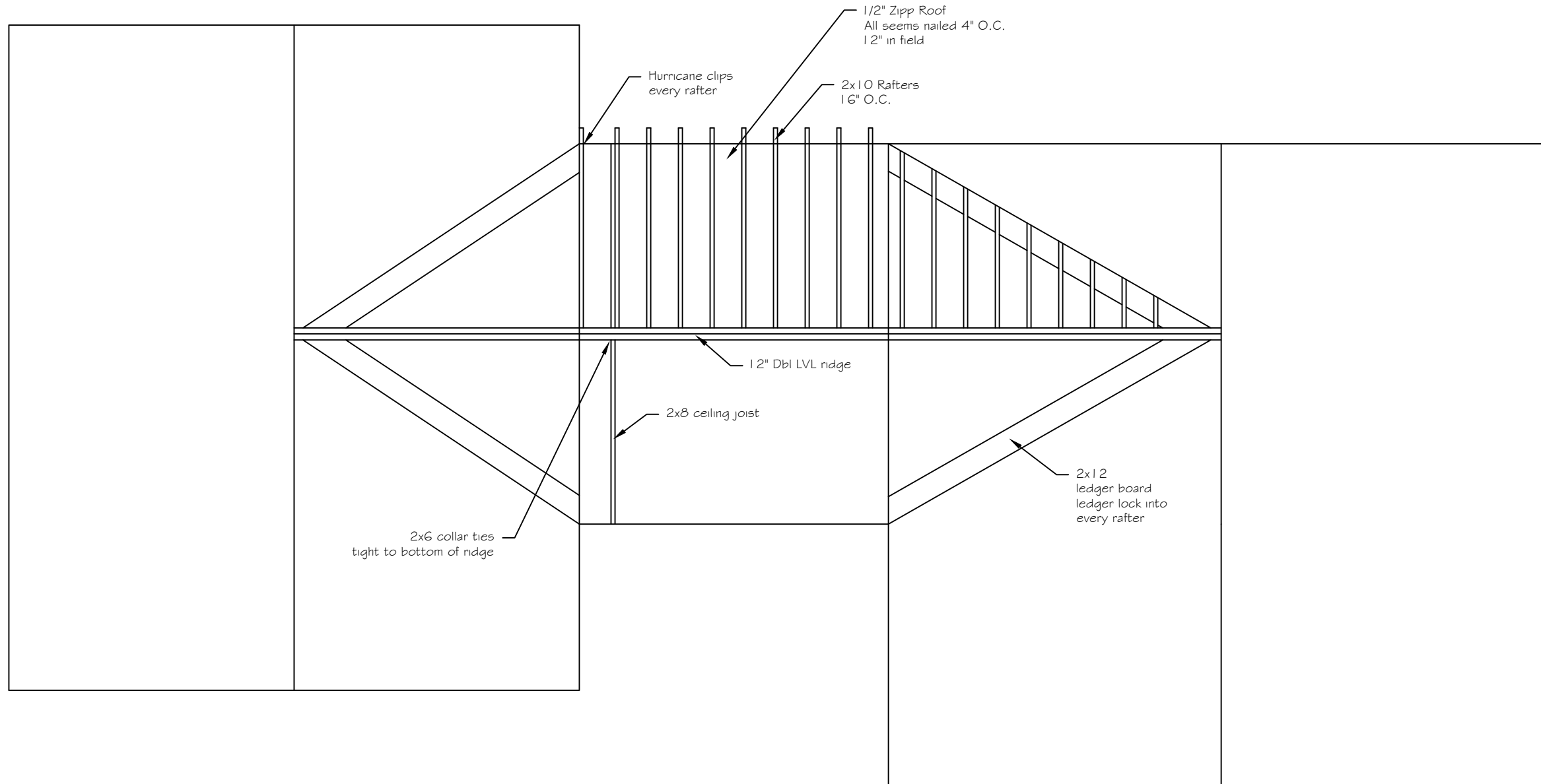
Drawn By: bb  
 Revision: bb

SCALE:  
 3/16" = 1'-0"

DATE: 3/28/2021 SHEET: 4 OF 5

Brett Bussiere  
7 Peter Cooper Drive  
Wareham, MA 02571  
Tel: (508) 776-7185  
Brett Bussiere Construction  
Email: brettbussiere@aol.com

NOTES:  
Roof Frame



PROJECT ADDRESS:

84 Parkwood Dr.  
Wareham, MA 02571

PREPARED FOR:

James  
Kilroe

DRAWING TITLE:

Second floor  
entrance to garage

Drawn By:

bb

Revision:

bb

SCALE:

3/16" = 1'-0"

DATE:

3/28/2021

SHEET:

5 OF 5

ZONING DISTRICT: R-30 (SMALL LOT - TABLE 628)

	EXISTING	PROPOSED
MIN. LOT SIZE	= 30,000 S.F.	6,654 S.F.
MIN. FRONTAGE	= 150'	160.71'
MIN. FRONT SETBACK	= 20'	9.8' (EX.)
MIN. SIDE SETBACK	= 10'	12.5' & 23.9'
MIN. REAR SETBACK	= 10'	5.3' (EX.)
MAX. BUILDING COV.	= 25% (1,664 S.F.)	31.2% (2,073 S.F.)
MAX. F.A.R.*	= 25% (1,664 S.F.)	47.3% (3,147 S.F.)
		50.4% (3,356 S.F.)

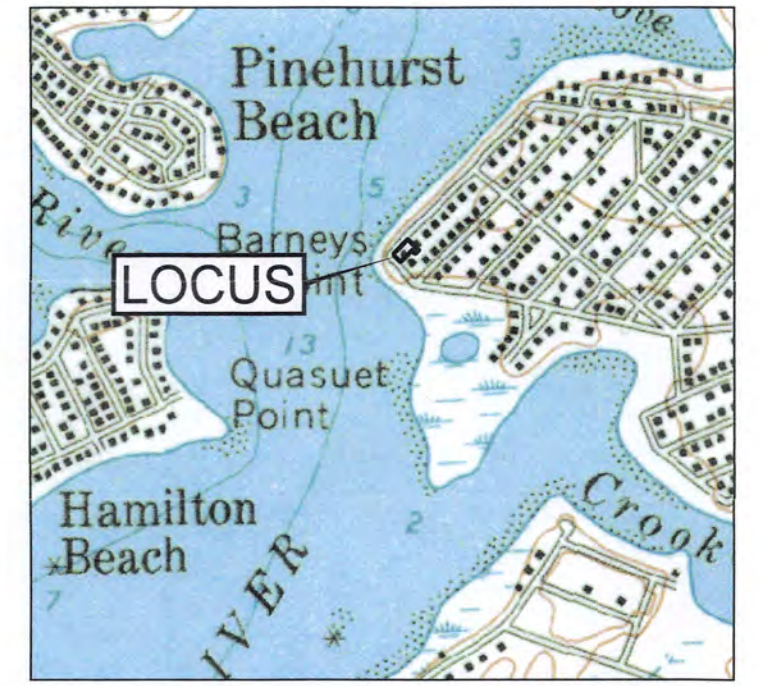
OWNER OF RECORD: JAMES V. KILROE LIFE ESTATE  
84 PARKWOOD DRIVE  
WAREHAM, MA 02571

DEED REFERENCE: DEED BOOK 54447, PAGE 121

PLAN REFERENCE: PLAN BOOK 3, PAGE 512

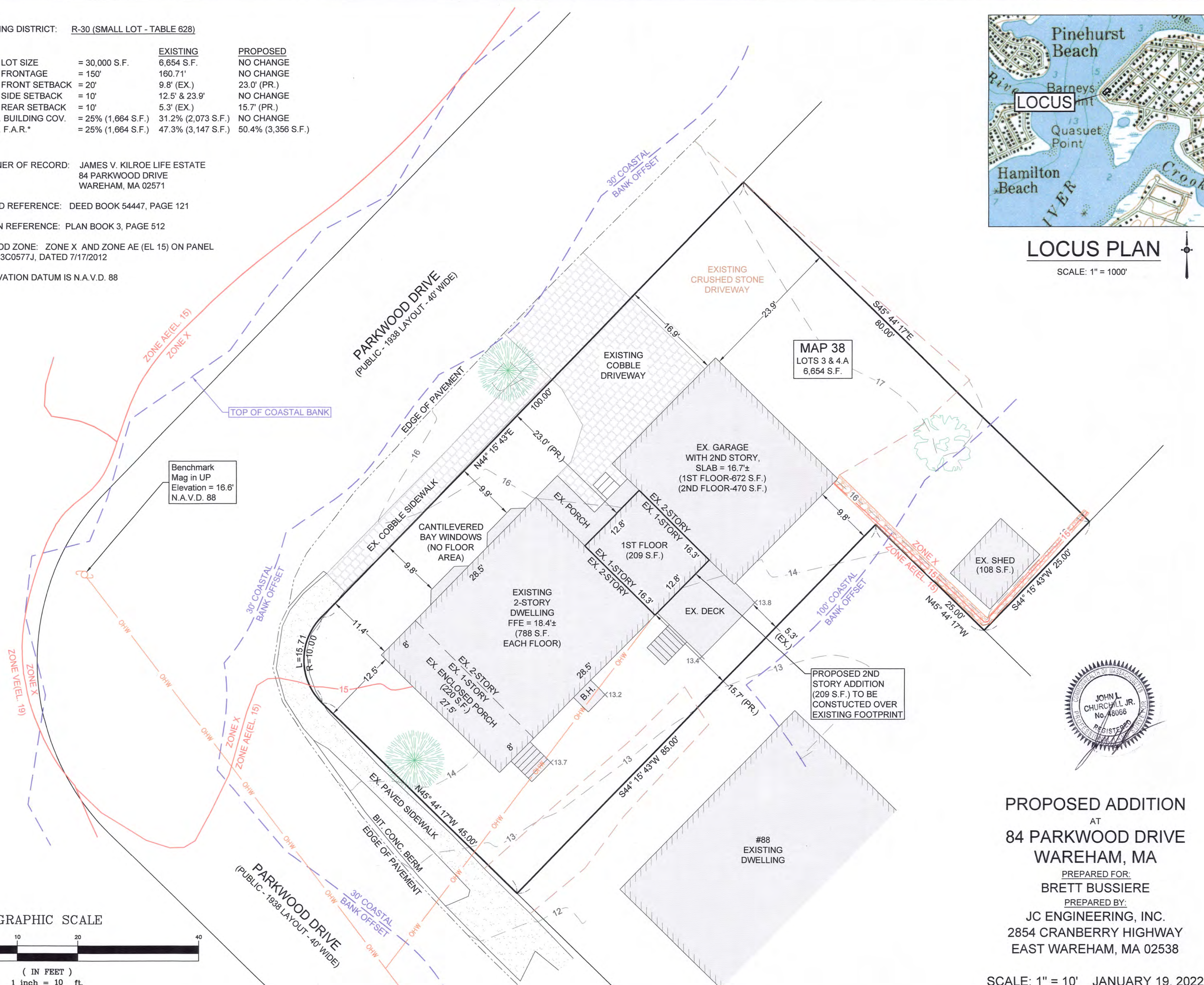
FLOOD ZONE: ZONE X AND ZONE AE (EL 15) ON PANEL  
25023C0577J, DATED 7/17/2012

ELEVATION DATUM IS N.A.V.D. 88



**LOCUS PLAN**

SCALE: 1" = 1000'



Benchmark  
Mag in UP  
Elevation = 16.6'  
N.A.V.D. 88

MAP 38  
LOTS 3 & 4.A  
6,654 S.F.

PROPOSED 2ND  
STORY ADDITION  
(209 S.F.) TO BE  
CONSTRUCTED OVER  
EXISTING FOOTPRINT



**PROPOSED ADDITION  
AT  
84 PARKWOOD DRIVE  
WAREHAM, MA**

PREPARED FOR:  
**BRETT BUSSIÈRE**  
PREPARED BY:  
**JC ENGINEERING, INC.**  
2854 CRANBERRY HIGHWAY  
EAST WAREHAM, MA 02538

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 10 ft.

SCALE: 1" = 10' JANUARY 19, 2022