
THE LAW OFFICES OF BELLO & MORTON, LLC

184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

October 5, 2022
Wareham Zoning Board of Appeals
54 Maron Road
Wareham, MA 02571

Re: Appeal of Building Permit B-21-485 at 9 Murphy Street, Wareham, MA for violations of the Wareham Zoning ByLaws

Dear Members of the Board of Appeals:

I represent Mr. Richard Padula and Anita Padula abutters of the property in question 9 Murphy Street Wareham, MA 02571. We are writing to the Board to issue a hearing regarding the appeal of the Building Permit which was approved by the prior Building Commissioner for a duplex on the property located at 9 Murphy Street. We are seeking an immediate Cease and Desist be issued to the owner until the decision from the Zoning Board of Appeals for these zoning issues.

I have met with Mr. Paul Turner our current Building Commissioner who instructed me that the permit is active and that the authority to repeal the Building Permit is the Wareham Zoning Board of Appeals. I have included the memorandum submitted to the Commissioner with the request to revoke the Building Permit. This includes the narrative of the approval and the basis for the appeal.

The basis for our relief to be sought is that the current Building permit violates Article 621 of our Zoning ByLaws that requires a lot size of 45,000 square feet in order to build a two family. I am of the opinion as well as many abutters that this was overlooked and there is serious concern for the allowance of this duplex.

One of the most jarring issues is that although the permit says that the property has 3.28 acres and is represented as such, 9 Murphy Street is comprised of a many smaller lots laid out on a 1939 Land Court Plan. The owner is proposing this duplex on section of the land that is less than the 45,000 square feet required. The owner of the property never had a new plan approved through

the Planning Board- which would also need to be approved by the Land Court. Therefore, the existing streets laid out on the plan are still active and the abutting property owners have rights for access on those roads.

All this being said, the abutters have come together in hopes that the Zoning Board of Appeals will be able to review these issues. I believe a new Plan of Lots would need to be prepared and vetted through the Planning Board and again approved by Land Court. The owner has somehow circumvented the public boards that are put in place to protect the integrity of existing neighborhoods and our residents.

I have enclosed numerous disheartening letters from the abutter who have already been suffering damages from the allowance of this building permit – in that the property owner is calling the authorities on them and claiming the land is his. The title to this Land Court property is still that of the 1939 plan – nothing has been changed the roads on the plan “Handy Ave”, “Cove Ave”, and “Fearing Ave” are still that rights of way. Many of the property owners have used these paths for many years through generations. I encourage the Board to read the pleas of the abutters and the experiences they have had and think of the substantial harm that is occurring.

The public and the abutters have rights and will be aggrieved if this build is allowed to move forward. Not to mention the future concerns for the rest of the planning in this area with the other lots. It seems wholly premature to allow a build of this magnitude to be approved prior then the appropriate land use boards to review.

Therefore, we request a hearing and formal review from the Zoning Board of Appeals regarding these violations at the earliest opportunity.

Very Truly Yours,



Jillian A. Morton, Esq.

jam@mortonlawllc.com

508-295-2522

cc. Building Commissioner

Client

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:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o 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 \$6.11 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: 9 Murphy St. LOT: 501B11109 MAP: _____
 ZONING DISTRICT: R30
 USE REQUESTED: Appeal of Permit for Duplex
 OWNER OF LAND & BUILDING: _____ TEL.# _____
 ADDRESS OF OWNER: Michael A. Marzullo and Spyridala
 PERSON(S) WHO WILL UTILIZE PERMIT: 155 Candy Lane, Brockton, MA 02301
 ADDRESS: _____
 DATE: 10/6/2012 SIGNATURE: [Signature]
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
 Tax Collector: _____ Date: _____
 Planning/Zoning Dept.: _____ Date: _____
 Application fee paid: _____ Check #: _____ Receipt: _____
 Advertising fee paid: _____ Check # _____ Receipt: _____
 Abutters fee paid: _____ Check # _____ Receipt: _____

*atty for Applicant,
Richard + Anita
Padu*

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: Richard and Anita Padula c/o

Applicant's Address: Attorney Jilian Marten, 184 Main Street

Telephone Number: 508-295-2522 Wareham, MA

Cell Phone Number: " "

Email Address: jam@martenlawllc.com

Address of Property/Project: 9 Murphy Street, Wareham, MA

Landowner's Name: Michael A. Marzullo and Syridela 02571

Owner's Address: 155 Candy Lane, Braintree, MA 02301

Telephone Number: _____

Contact Person: Attorney Jilian Marten Telephone Number: 508-295-2522

Map _____ Lot _____ Zone _____

Date Approved _____ Date Denied _____

Comments: _____

FILE COPY

THE LAW OFFICES OF BELLO & MORTON LAW LLC

184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

September 30, 2022

Wareham Building Inspector
Town of Wareham
54 Marion Road
Wareham, MA 02571

Re: Reconsideration of Application for Building Permit
9 Murphy Street, Wareham, MA- B-21-485

Dear Mr. Turner:

I represent Mr. Richard Padula and Mrs. Anita Padula of 11 Barnes Street Wareham. The Building Permit was issued on February 28, 2022. I am writing to you seeking to revoke the building permit issued B-21-485 for 9 Murphy Street pursuant to M.G.L. ch. 40A, § 7. It is our opinion the owner does not have enough square footage (45,000 square feet) of buildable area as per the Wareham Zoning ByLaws (the "ByLaws") in Article 6 Density and Dimensional Regulations and a number of other concerns for this proposed build.

M.G.L. ch. 40A, § 7 states that '[the] building commissioner ... shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be *in violation of any zoning ordinance or by-law....*' As such, we believe it is your obligation to revoke this permit.

Enclosed please find the following attachments for your review along with this request:

1. Copy of Deed
2. Copy of Building Permit
3. Copy of Submitted Application by G.A.F. Engineering, Inc.
4. Letter from abutters regarding the property.

Factual Background:

The subject lots that comprise 9 Murphy Street are: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 32, and 68 on 1939 Plan Land Court 1214F. The said lots are highlighted in the attachments. All of these lots are Land Court Registered Land and are laid out in a 1939 Land Court Plan, which depicts several roads in between the parcels labeled "Columbia Street", "Handy Ave", "Cove Ave", and "Fearing Ave" respectively.

Together these lots have a total acreage of approximately 3.28 acres. The proposed build of the duplex by the owner would be built on lots 23, 24, 25, 26, 22, and 21. The lots are all currently vacant. The building permit which was issued proposes a two-family duplex of approximately 3,248 square feet. The property is located in the R-30 zoning district. In the attached exhibits, the owner through their engineers proposed the duplex on a plan titled "Plan to Accompany Notice of Intent, 9 Murphy Street, Wareham, MA..."

As stated in the record, the Mass DEP issued a Superseding Order of Conditions on the property, and this is now recorded with the Land Court.

The Legal Standard and Issue:

This building permit was approved on the review that the property has over 3 acres and therefore a two-family property can be built By-Right per the Zoning Table 621 which calls for a minimum of 45,000 square feet lot area. The problem with that assertion is that the lots on the 1939 plan are not formerly combined and there are still (although unconstructed) roadways of record on the Land Court Plan. There has not been a new plan approved by the Land Court which would have to be vetted through the Planning Board and/or Zoning Board of Appeals. This project only appeared in front of the Wareham Conservation Commission and was not vetted through the appropriate approval process. If it is the intention of the owner to build the duplex, the new lot needs to be created which would extinguish the roadways of record.

The Land Court reviews the new plan and issues a new certificate of title only after an appointed title examiner reviews the parcels. They would be able to determine if the abutting lots have rights of way or access to these roadways.

In creation of the new lot, the property would fall under Section 612 Lot Area Calculations for Zoning Compliance of our Bylaw. This section provides that "... no principal building shall be erected on any lot created after the effective date of this by-law which has less than eighty percent (80%) of the minimum required lot areas contiguous upland, not including Riverfront areas defined in the Massachusetts Wetlands Protection Act, for the zoning district in which it is located." The new lot would need to be able to abide by this provision.

Opposition from Abutters:

Enclosed are numerous letters from aggrieved abutters regarding the concern of issuance of this building permit- many of which are disheartening to read regarding the actions of the property owner to the neighbors. The families in this neighborhood as abutters have the rights to speak up in opposition to proposed plans and variances/special permits in front of the Planning Board

and the Zoning Board. They have not been given that opportunity because of an approval of a building permit which certainly warrants a higher review because of its title concerns, questions surrounding access to the waterways and right of ways, and the overdevelopment of this precious waterfront property. The abutters have memorialized the numerous issues they are facing regarding questions of the boundaries of the property including access to their moorings on Mark's Cove which have been there for years.

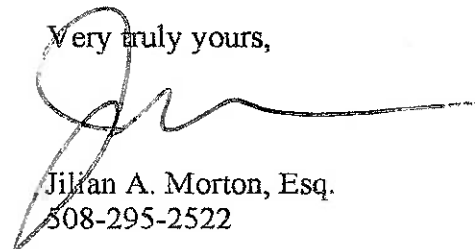
In Summary:

Therefore, we ask that you to revoke the building permit issued B-21-485 for 9 Murphy Street pursuant to M.G.L. ch. 40A, § 7 and remand the case to the Planning Board for the creation of the new lot. In my cursory calculations that lot would be undersized at approximately 32,000 square feet if they are using the proposed concept and lots. This would likely need approval from the Zoning Board of Appeals as a Variance under Section 621 from the Lot size requirement if it is under 45,000 square feet.

We seek action from the Building Department to put a stop to the building permit prior to the owner building on the property. We believe it is imperative that the land use boards in town vet this project as well as give the abutters the opportunity to speak their numerous concerns for the new construction in their neighborhood and the potential substantial harm they are facing with the allowance of this development.

Thank you for your consideration. Please reach out directly to me with any questions or follow up.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jillian A. Morton', with a long horizontal flourish extending to the right.

Jillian A. Morton, Esq.
508-295-2522

EXHIBIT 1

*** Electronic Recording ***

Doc#: 00802109

Bk: 00652 Pg: 180 Cert: 130580

Rec Date: 08/10/2020 11:36 AM

Also Noted On: 113059

ATTEST: John R. Buckley, Jr. Register

Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX

Plymouth District ROD #11 001

Date: 08/10/2020 11:36 AM

QUITCLAIM DEED FOR REGISTERED LAND

Ctrl# 137044 24075

Fee: \$1,026.00 Cons: \$224,900.00

I, JEAN HABCHI, Trustee of LOREA LAND TRUST under Declaration of Trust dated November 19, 2008, of 89 Sandwich Road, Wareham, Massachusetts in consideration of the sum of **TWO HUNDRED TWENTY FOUR THOUSAND NINE HUNDRED and 00/100 (\$224,900.00) DOLLARS** receipt of which is hereby acknowledged

hereby grants with *Quitclaim Covenants*

to MICHAEL A. MARZULLO and SPYRIDOULA ZOUMBOULIS, husband and wife as tenants by the entirety, of 155 Candy Lane, Brockton, Massachusetts 02301

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 32, and 68 as shown on plan #12124F, filed with Certificate of Title No. 10724.

There is appurtenant to said land a right of way over that portion of Webster Street situated Southerly of the Northerly line of Wankinco Avenue and over Webster Street, extended Southerly by Wankinco River, with others entitled thereto, as set forth in the stipulation filed and registered as document #9228.

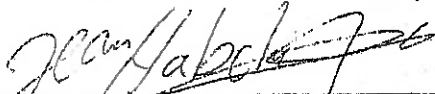
Subject to any encumbrances as of record may appear and as may be in effect and valid as of the date hereof; the settlement of the Estate of Dorothy Q. Egger and to any public rights existing over the land below mean high water mark.

The Grantors hereby revoke, rescind and terminate any and all homestead rights in the herein described property and do under oath depose and say that there are no other individuals or entities entitled to claim the benefit of homestead rights in and to the property.

A Murphy St, Wareham, MA

For Grantor's title see Certificate of Title No. 113059 and Document No. 646505

Witness my hand and seal this ^{7th} day of August 2020

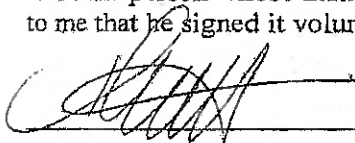


JEAN HABCHI, Trustee as aforesaid

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

On this ^{7th} day of August 2020 before me, the undersigned notary public, personally appeared **Jean Habchi, Trustee of the Lorea Land Trust**, and who is personally known to me, 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.



Notary Public

My Commission expires:


 **KRISTEN J. TOBIA-SIMMONS**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 16, 2025

EXHIBIT 2



COMMONWEALTH OF MASSACHUSETTS

Town of Wareham BUILDING PERMIT

PERMISSION IS HEREBY GRANTED TO:

MAP: 50|B|1|69||
 PERMIT #: B-21-485
 EST. COST: 406,000
 FEE: \$4,263.00
 CONST. TYPE: Wood (Type V) Residential
 USE GROUP:
 BLDG CODE ED.: 9th Edition
 CATEGORY: New Construction
 LOT SIZE: 143,128
 ZONING: R30

CONTRACTOR:
LICENSE:
OWNER: Michael A. Marzullo
APPLICANT: Michael Marzullo
AT: 9 MURPHY ST , WAREHAM, MA 02571
ISSUED ON: February 28, 2022

TO PERFORM THE FOLLOWING WORK: I would like to build a 3248 sqft, 2- level duplex on reinforced concrete piers, 2.1 feet above 18' BFE, in a VE flood zone on Lot 50B-1-3 at 9 Murphy Street, 3.28 acres, with 210 frontage on Murphy Street.

<u>ELECTRIC</u>	<u>GAS</u>	<u>PLUMBING</u>
Underground:	Underground:	Underground:
Service:	Meter:	Rough:
Rough:	Rough:	Final:
Final:	Final:	
<u>D.P.W.</u>	<u>FIRE</u>	<u>BUILDING</u>
Meter:	Oil:	Excavation:
House #:	Smoke:	Footings:
Water:	Alarm:	Foundation:
Sewer:	Sprinkler:	Rough Frame:
Board of Health:		Fireplace/Chimney:
		Insulation:
		Final:

THIS PERMIT MAY BE REVOKED BY THE TOWN OF WAREHAM UPON VIOLATION OF ANY OF ITS RULES & REGULATIONS. ALL WORK TO MEET CODE 780 CMR. "Persons contracting with unregistered contractors do not have access to the guaranty fund (as set forth in MGL c. 142A)."

EXHIBIT 3

August 18, 2021

Massachusetts Department of Environmental Protection
Wetlands Division
20 Riverside Drive
Lakeville, MA 02347

RE: DEP SE76-2206
9 Murphy Street, Wareham
Lorea Land Trust
G.A.F. Job No. 21-9643

Dear Sir or Madam:

On behalf of the applicant/new owner, Michael Marzullo, we request an Amended Superseding Order of Conditions (ASOC) for this project. The ASOC was originally issued for this project on April 18, 2012. With the Permit Extension Act this ASOC was valid until April 18, 2019. An Extension Permit was issued extending the expiration until April 18, 2022. The original project was delayed a number of years awaiting Land Court approval of the new lot configurations. The applicant chose to withdraw the project from Land Court.

The original approved plan was dated November 2, 2011. A revised plan was submitted and approved by the Amended Superseding Order of Conditions. That plan was entitled "Plan to Accompany Notice of Intent, 9 Murphy Street, Wareham, MA, Prepared for Lorea Land Trust, 20 Tower Terrace, Wareham, MA". That plan was dated Revised June 18, 2018. Since the submittal of that plan the lot has been sold to new owners. On August 7, 2020, Michael Marzullo and Spyridoula Zoumboulis acquired the property.

On behalf of the new owners we are requesting an Amended Superseding Order of Conditions be issued for this project, including this plan as the record plan. The plan submitted for approval is entitled "Plan to Accompany Notice of Intent, 9 Murphy Street, Wareham, MA, Prepared for Michael Marzullo, 155 Candy Lane, Brockton, MA" dated Revised July 21, 2021. It is our opinion that the revised plan shows changes that are minor in nature and there are no increased impacts to adjacent resource areas. Please note the following regarding the new plan:

1. The dwelling is the same dimensions as previously approved. The front entry stairs have shifted to the center of the dwelling and there are stairs coming down from the rear porch on the two sides of the dwelling.
2. The dwelling is now a duplex and there are parking areas shown for both sides, this slightly increases the size of the proposed driveway. There is no change in the Limit of Work or grading from the current approved plan.
3. The new plan lists the new applicant/owner as Michael Marzullo.
4. The dwelling location has shifted six (6) feet in a southerly direction. This is further away from the adjacent wetland.

266 MAIN ST.
WAREHAM, MA 02571

TEL 508.295.6600
FAX 508.295.6634

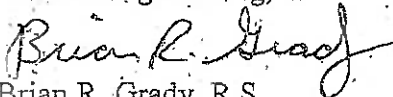
5. Roof drywells have been added to the new plan.
6. A proposed dewatering basin has been added. It is not expected that this will be needed as the adjacent two (2) adjacent lots did not need to dewater. It is shown only if the need does arise.
7. The new lot numbers have been shown. The original plan was approved with Lots 21-26 totaling 32,255s.f. The new owners acquired Lots 21-26 as well as Lots 3-18, 32 and 68. These Lots total 143,128s.f. or 3.28 acres. A highlighted copy of Land Court Plan 12124F has been included indicating the lots included.

Taking into account the changes made from the original approved plan, there will be no greater potential impacts to adjacent wetland resource areas by adopting the revised plan as the new plan of record. Therefore, it is our opinion that the existing conditions listed in the Superseding Order of Conditions will adequately protect the wetland resource areas, and an Amended Superseding Order of Conditions should be issued.

Notice of this request for an Amended Order of Conditions will run in the August 26, 2021 edition of Wareham Week (copy attached).

Please let me know if you have any questions or require additional information regarding this request.

Sincerely,
G.A.F. Engineering, Inc.


Brian R. Grady, R.S.

Cc: Michael Marzullo
Wareham Conservation Commission

Enclosure

NOTICE OF REVIEW BY THE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Public notice is hereby given in accordance with the provisions of the Massachusetts Department of Environmental Protection ("MassDEP") Policy for Amending an Order of Conditions (DWW Policy 85-4 , revised March 1, 1995), implementing the Massachusetts Wetlands Protection Act, G.L. C. 131, §40, and the MassDEP Wetlands Protection Regulations, 310 CMR 10.00, that G.A.F. Engineering, Inc., on behalf of Michael Marzullo, has submitted a Request for an Amendment of a Superseding Order of Conditions (DEP SE 76-2206), to the MassDep Southeast Regional Office, to approve minor modifications to a plan approving the construction of a dwelling, driveway, site utilities and associated site grading within the buffer zone to a Bordering Vegetated Wetland and Land Subject to Coastal Storm Flowage. The property is located at 9 Murphy Street, Wareham and is further identified on Town of Wareham Assessors Map 50-B-1 as Lot 3 which includes Lots 3-18, 21-26, 32 and 68.

There is a 21 day public comment period on the Request for Amendment, which commences with the publication of this Notice. The comment period closes on **September 16, 2021**. Written comments should be submitted to:

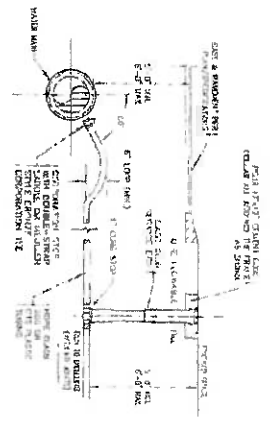
Massachusetts Department of Environmental Protection
Wetlands Division
20 Riverside Drive
Lakeville, MA 02347

with a copy to:

G.A.F. Engineering, Inc.
266 Main Street
Wareham, MA 02571
Attn: Brian Grady

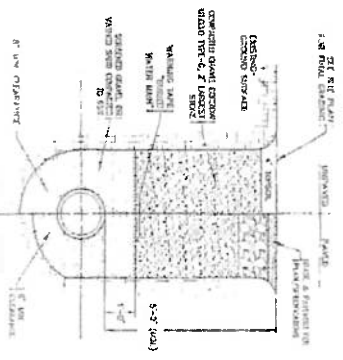
Copies of the Request for Amendment are being sent to the Wareham Conservation Commission where they may be viewed.

By: G.A.F. Engineering, Inc.



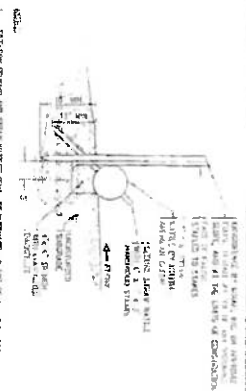
NOTE:
 ALL PROPOSED WORK, MATERIALS AND CONSTRUCTION SPECIFICATIONS SHALL BE AS SHOWN ON THESE PLANS AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER'S OFFICE AND THE STATE ENGINEER'S OFFICE.

WATER SERVICE CONNECTION & CURB SIDE



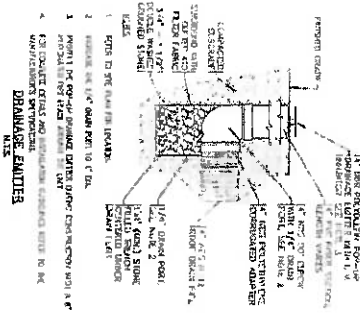
NOTE:
 1. PIPE SHALL BE 6\"/>

WATER PIPE DETAILS

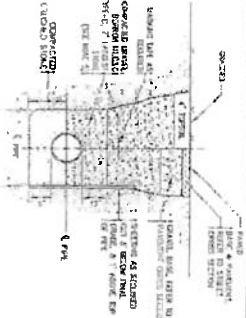


NOTE:
 1. REMOVE EXISTING CURB AND SIDEWALK SURFACE TO THE FULL WIDTH OF THE BANDAGE AND TO THE FULL DEPTH OF THE BANDAGE.
 2. EXISTING CURB AND SIDEWALK SHALL BE RECONSTRUCTED TO ORIGINAL GRADE WITH 1\"/>

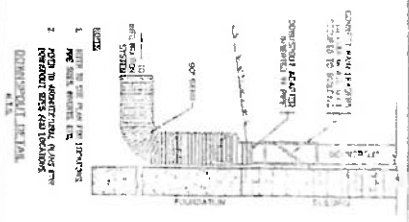
CURB SIDEWALK BANDAGE



DRAINAGE FANOUT



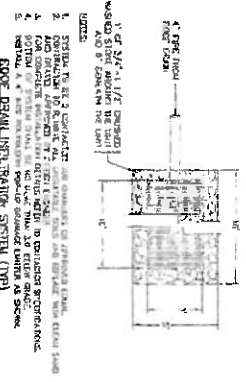
WATER PIPE DETAILS



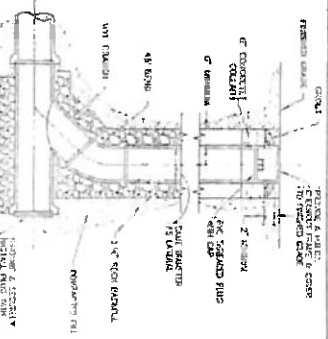
CURB SIDEWALK BANDAGE



CURB SIDEWALK BANDAGE



CURB SIDEWALK BANDAGE



CURB SIDEWALK BANDAGE

<p>PLAN TO ACCOMPANY NOTICE OF INTENT</p> <p>300 NORTH STREET WASHINGTON, DC 20001</p> <p>PREPARED FOR: MICHAEL MARZULLO</p> <p>125 SOUTH LAKE BOSTON, MA</p>		<p>G.A.F. ENGINEERING, INC.</p> <p>PROFESSIONAL ENGINEERS & LAND SURVEYORS</p> <p>1000 K STREET, N.W. WASHINGTON, D.C. 20004</p> <p>TEL: (202) 331-1111 FAX: (202) 331-1114</p> <p>E-MAIL: gaf@gef-eng.com</p>		<p>APPROVED BY: [Signature]</p> <p>DATE: 12/31</p>	<p>DATE: 08/22/20</p> <p>DRAWN BY: [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>SCALE: 1" = 1'-0"</p>
---	--	---	--	--	--

Annie S. Farov & Bessie H. Freer, Owners, Cert. No. 6806

Copy of part of plan filed in
LAND REGISTRATION OFFICE
JULY 13 1945
Scale of this plan 100 Feet to an inch
C. H. Humphrey, Engineer for Court.

Separate certificates of title may be issued
for Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

JULY 13 1945
Recorder

CEEDAR

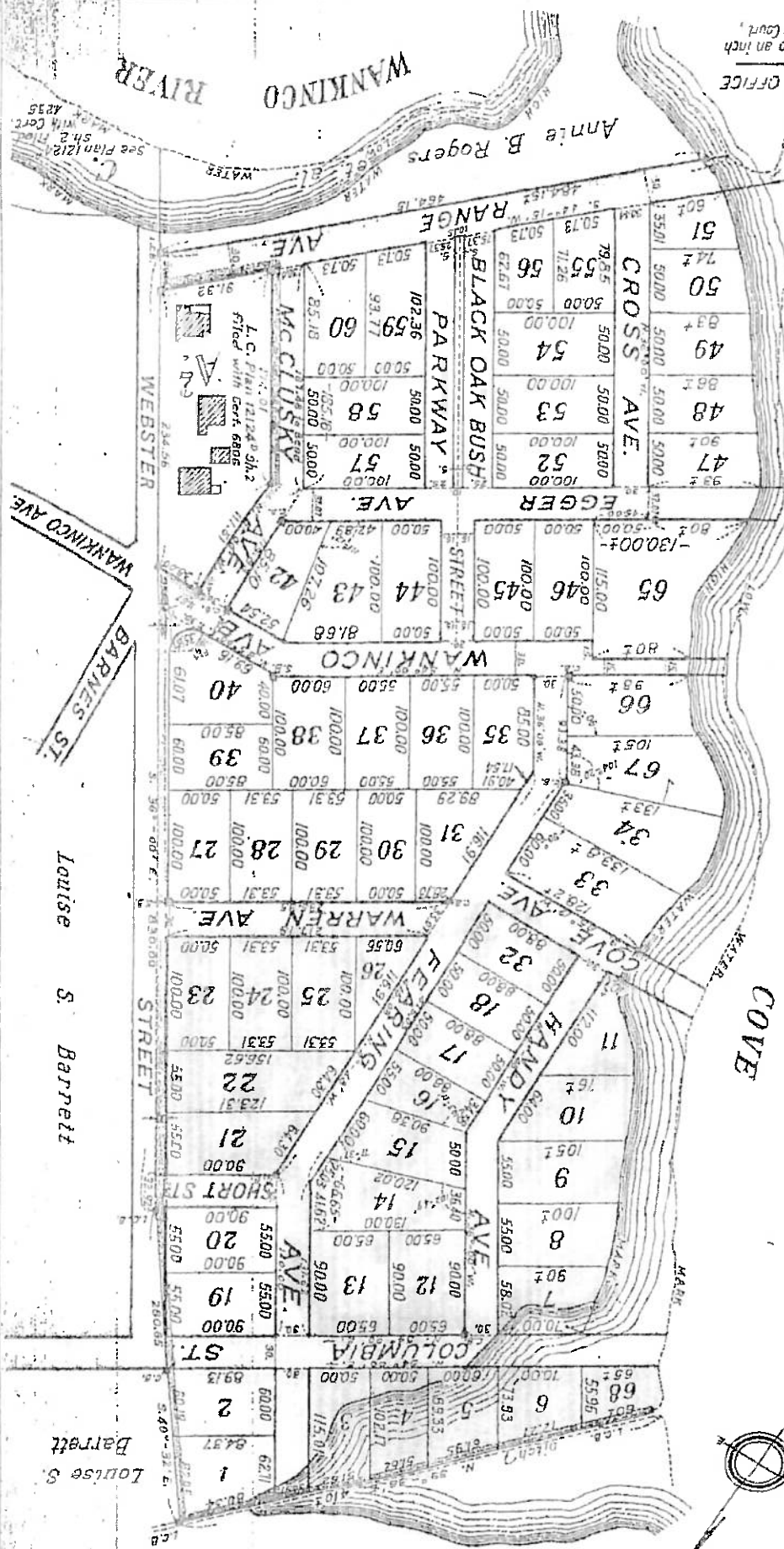
ISLAND

THIS PLAN FILED WITH
LAND IN WARHAM
CERTIFICATE No. 10724

R. Loring Hayward, Civil Engineer.

Subdivision of Lot A1 shown on plan 12124 sh. 2

Filed with Cert. of Title No. 6806 Registry District of Plymouth County



12124

A. Augusta Williams

Louise S. Barrett

Louise S. Barrett

EXHIBIT 4

TOWN OF WAREHAM ABUTTERS

MAP 50/B-1 LOT 3 300'

OWNER MICHAELA MARZULLO + SPYRIDOULA ZOUMBOULIS

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWNSSEND	STATE	ZIP CODE
50/B-1-1	HABCHI JEAN TRUSTEE OF	LOREA LAND TRUST C/O NAZIH ELKALLASSI	20 TOWER TERR	WAREHAM	MA	02571
50/B-1-3	MARZULLO MICHAELA	ZOUMBOULIS SPYRIDOULA	155 CANDY LN	BROCKTON	MA	02301
50/B-1-35	DENTON SCOTT D	DENTON TRACEY L	PO BOX 16	ONSET	MA	02558
50/B-1-67	BENNETT LYMAN E	MUNGER CHARLES F C/O NICHOLAS BENNETT	9 BENNETT WAY	TOWNSEND	MA	01469
50/A-160	FOLCHI JULIO A	FOLCHI RACHEL	P.O. BOX 444	WAREHAM	MA	02571
50/A-156	LADD CHERYL & STAFFORD JEAN M	STAFFORD RONALD P & MARK J	207 OLD CENTER ST	MIDDLEBORO	MA	02346
50/A-155/B	MANN CLIFFORD L TRUSTEE	CLIFFORD L MANN TRUST	84 STEADMAN ST	CHELMSFORD	MA	01824
50/A-153/B	O'KEEFE JOHN CHRISTOPHER JR		23 BARNES ST	WAREHAM	MA	02571
50/A-152/B	FISHER DANIELLE		25 B BARNES DR	WAREHAM	MA	02571
50/A-153/A	HURLEY JULIE M		23A BARNES ST	WAREHAM	MA	02571
50/A-151	PERRONE GIANNINO	PERRONE ADUA LIFE ESTATE	6 SUNNYSIDE AVE	SOMERVILLE	MA	02145
50/A-150	DISTASO NICHOLAS	DISTASO JUDY ANN TRUSTEE	30 WINFIELD ST	NORWOOD	MA	02062
50/A-157/B	DOHERTY DANIEL H + DOREEN L	SULLIVAN + DIANNE M DOHERY	11 SPENCER AVE	SOMERVILLE	MA	02144

CERTIFIED ABUTTERS AS THEY APPEAR ON
OUR TAX ROLLS AS OF 10/6/2022

By: Denise Aberna
ASSESSORS OFFICE

REQUESTED BY
JULIAN A MORTON, ESQ.
508 295-2522
JAM@MORTONLAWLLC.COM

EXHIBIT 5

September 9, 2022

To Whom It May Concern:

My husband and I bought a house in Wareham, 4A Barnes Street, over two years ago. We loved the house because of the proximity to Mark's Cove and Swifts Beach.

We have enjoyed our weekly kayaking in Mark's Coves, along with teaching our grandchildren how to dig for shellfish, all summer. Our grandchildren love the water and these activities as much as we do. All summer we have enjoyed these activities until recently, when now police officers are telling us we are trespassing, even though we have been enjoying these activities for three summers.

Along with the above, the harbormaster has now been ticketing the dinghies of the residents that own boats and have their moorings at Mark's Cove. Most have had their moorings there for several years.

Swifts Beach is a close-knit neighborhood with a sense of community. We have enjoyed living in this Swifts Beach community. We would like to continue to enjoy the activities that made this area so special and unique.

Sincerely,



Nancy & Joseph Onofaro
4A Barnes Street
Wareham, MA 02571



Jilian Morton <jam@mortonlawllc.com>

9 Murphy St, Wareham MA

DrDuva <drduva@gmail.com>

Mon, Sep 26, 2022 at 9:06 PM

To: "jam@mortonlawllc.com" <jam@mortonlawllc.com>

To whom this may concern,

I am writing to officially oppose the intended duplex to be built at 9 Murphy St, Wareham MA 02571

I have been a summer resident of the Swifts Beach community for over 40 years. There are and have never been, to my knowledge, duplexes built in the Swifts Beach area. Furthermore, in building a duplex, you are required to possess a certain square footage and frontage for your lot of which, to my understanding, the owners of 9 Murphy St do not possess.

They have also wasted town resources by calling the police on residents for walking down Columbia St. I have personally spoken to the Town Assessor and Town Clerk and have been told that Columbia St is a Town approved road from the intersection of Pleasant St and terminating in the water of Marc's Cove. I have told the owners of 9 Murphy St this. This has not stopped them from calling the police and posting No Trespassing Signs and harassing other residence as well as myself and family.

If you wish to reach me further on this matter I can be reached via email or cell 781-640-1951

Thank You,

Greg D.

Sept, 14 2022

To whom it may concern

My husband Rick and I bought our first house in the late 80's. We raised 2 daughters at 10 Barnes street.

Our weekends were full of walking down the path to the water. Clamming and getting quahogs. Our daughters learnt at a very young age about fishing in August for snapper blues and shell fishing. 10 yrs later we bought our other home across the street the gentlemen that lived there Tony Zwinglass had showed us how to follow the trail right to the water. We would go straight out back with him down Columbia road, We purchased a mooring for a boat and had our dinghy there for the last 25 yrs. Now I have my grandson following that same path. Last year he got his first quahog. Now this year we were doing our usual pack a cooler walk the trail to take dinghy to our boat. We were yelled at that we were trespassing and if we don't take our dinghy's out the police would be called. After a total of 35 yrs using the same path we didn't know what to do. They were yelling in front of my 6 yr old grandson that we were trespassing and they were going to notify police. My grandson was devastated. We tried talking to the couple but there was no use. All are dinghy's are still in water and now we can't get to them.

Thank you for listening

Anita Padula

11 Barnes Street and 2 Murphy Street

508-942-7196

09/14/2022

To whom it may concern,

I have been a part of Swifts Beach since I was a youngster, not even old enough to walk. As I grew older each summer, I made friends and learned about the great traditions that our area has had to offer throughout the years including clamming, crabbing, catching snails, swimming, boating, and much more. I now spend the summers here with not only my parents but with my husband and child as well. My family and all our surrounding neighbors have been using Columbia Street to access the water where we can row out to our legal moorings that we pay for every year in order to get on our boats, personal watercrafts etc. The street has never been used for anything other than an access way to be able to get to where we need to go. Closing off access to be able to get to our moorings this way would make it difficult as there is a bit more involved than just walking down the street to the main beach. We understand that someone has purchased land to build a house or houses on however, taking away a legal street that people have been using accordingly for decades upon decades will truly make things more difficult, less pleasurable and quite a disruption for several families involved. I truly hope that this letter is very understanding for the people that need to hear this.

Sincerely,

Mr. & Mrs. Oliveira

October 19, 2022

We are writing this letter to show our concern regarding the issues at Mark's Cove.

I am 77 years old and my wife is 75 years old and we have enjoyed our boat mooring that we have had in the Cove for 15 years.

Our grandsons who are 13 and 9 years old have always enjoyed many fun times fishing with me in my boat.

I have always thought this was public access for town residents until now.

We are now being stopped from walking down Columbia Avenue to the water access which is causing a real problem. I put my dinghy in the water where the harbor master told me I can put it, but we are now being restricted by one family to get to it. So therefore I am not able to use my boat. My boat is on a mooring that I pay for through the town. My boat has not moved in months.

Please help us in this situation - you may contact me at 508-904-0436 if needed.

Thank you
Eugene

September 26, 2022

To whom it may concern:

Our family has owned and enjoyed our cottage on Swift's Beach for 46+ years. For that entire time we have been able to access the water behind our home, in Marks cove, for fishing, boating, quahogging, kayaking and swimming. We have enjoyed easy access to our boats that have been on our moorings behind our home. Any change to us being able to do that is disheartening.

In addition, this area of Swift's Beach is a wonderful community of small, mostly seasonal homes and no duplexes.

It would be a shame if such a large home was built near us.

Please reach out for any other information or with any questions.

Sincerely,

Amy & Michael Carr
9 Barnes Street
Wareham, MA 02571

acarr317@gmail.com
mpcarr224@verizon.net

781-414-1584 Mike
781-414-1684 Amy

Dear Ms. Jillian Morton,

My name is Robert Barreira. My wife and I are part owners of 5 Barnes street. I'm writing to voice my concern on two items that have come to our attention. The first is that we have a greedy neighbor looking to develop a property with multiple units. Secondly, this same individual has posted "No Trespassing" signs on the Columbia St. Section of the wetlands which lead to Marks cove.

I've been coming to swifts beach for nearly 40 years. When my wife and I had the opportunity to purchase a property in the area we did. We purchased 5 Barnes st. back in November 2014 knowing that we were a couple of months pregnant and wouldn't be able to put much money into repairing the dated cottage.

One of the things that I love most about the area outside of the people and the community, are the quaint cottage homes. Some larger than others but all still bungalows and built with a cape style in mind. A duplex does not fit in with the existing architecture and aesthetic. Most of the cottages at swifts beach are still family owned, used, and managed.

I totally understand that waterfront property is coming at a premium and I understand that this person would want to maximize their footprint; but we need to prevent over development. We want to prevent over commercialization of the area? This is a family beach town that values community and each other.

Additionally, we have been walking to Marks Cove through the Columbia street access for decades. And now, we're being told by these people that we can't cut through the wetland. Two years ago, I purchased 12 Columbia St. with the thoughts that no one else owned land behind us. Unfortunately, poor land management by the town allowed the sale of wetlands and now anyone that utilize the Columbia st path to Marks Cove are not allowed. Our only intention for purchasing the property was to prevent anyone else from coming in and developing. We swim back there, we go clamming, catch blue crab, fish, paddle board, sight see, and boat from back there.

This person does not nor have they tried to be a part of the swift beach community. They have come into this amazing area and put us all in a concerned state. We now don't know what the future holds. I have a mooring located at marks Cove and now I'm not even sure how I can access my boat which I've owned for 20 years. Depending on the outcome I might have to cancel the mooring permit.

Any and all help is appreciated in addressing mine and the communities concerns

Thank you,
Robert, Tara, Tristan, and Elgin Barreira