

39 Marine Avenue West Wareham Ma

Owner : John and Lori Noberini

Contractor: Dana A Ward DW Remolding

Description : Requesting special permit due to rightside lot line Set back being less than 10' as required. 2nd floor as already framed as full living space with current roof line. Looking to add full wall to 2nd floor. Building dept also question percentage of building being greater than allowed. Engineer verified that percentage is within the allowed area.

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 \$6.73 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: 39 MARINE AVE MAP: 78-1 LOT: 73 AS
ZONING DISTRICT: R-30
USE REQUESTED: _____
OWNER OF LAND & BUILDING: Lori Naberini TEL.# 974-218-6548
ADDRESS OF OWNER: 39 MARINE AVE
PERSON(S) WHO WILL UTILIZE PERMIT: Dana Ward
ADDRESS: 39 MARINE AVE West Wareham MA. 02576
DATE: _____ SIGNATURE: _____

This application was received on the date stamped here:

WAREHAM TOWN CLERK
2022 APR 21 PM 1:08

Town Clerk: _____ Date: _____
Tax Collector: Briquette Bennett Date: 4/21/2022
Planning/Zoning Dept.: Dawn Meehan Date: 4/21/2022
Application fee paid: 300.00 Check #: 1788 Receipt: _____
Advertising fee paid: 100.00 Check #: 1791 Receipt: _____
Abutters fee paid: 131.49 Check #: 1789 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: DANA A WARD

Applicant's Address: 199 Club Valley Drive EAST FALMOUTH MA 02536

Telephone Number: 508-566-2807

Cell Phone Number: _____

Email Address: Call dana 08@yahoo.com

Address of Property/Project: 39 MARINE AVENUE

Landowner's Name: Lori Noberini

Owner's Address: 39 MARINE AVENUE

Telephone Number: 774 218-6548

Contact Person: LORI NOBERINI Telephone Number: 774-218-6548
DANA WARD Telephone Number: 508-566-2807

AS Map 78-1 Lot 6/1 73 Zone R-30

Date Approved _____ Date Denied _____

Comments: _____



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

Lori Noberini
39 Marine Ave.
W. Wareham, MA 02576

January 13, 2022

RE: 39 Marine Ave. (second floor addition)

Map # 78-1, Lot # 73

I have reviewed your application to alter the existing dwelling at 39 Marine Ave. in Wareham, MA. Your proposal is not in compliance with current requirements of the Wareham Zoning bylaw and must be denied at this time.

You currently have a 30' x 24', single story dwelling with garage and basement below. The structure does not meet the setback requirement of 10' on the front right corner, and you are proposing an increase in building height within the nonconforming footprint. This is an intensification of a preexisting nonconforming residential structure, and requires a Special Permit from the Zoning Board of Appeals. If the Zoning Board finds that the increase in size will result in a substantial detriment to the neighborhood, a Variance will be required.

Additionally, the existing dwelling is situated on a 4000 square foot residential lot. The increase in building size would elevate the floor area ratio from 18% to 39.93% where 30% is permitted as a matter of right. This is a new nonconformity, and will require a Variance from the Zoning Board of Appeals in order to proceed.

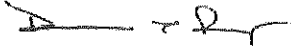
Your permit application is being denied under the following sections of the Wareham Zoning By-law:

- **Article 6 Table 628 Dimensional Standards for Small Lots in Residential Districts:**
Small lots in residential districts that are between 0 and 5000 square feet are permitted to have a 30% floor area ratio.

- **Article 13 Section 1352 Non-conforming Structures:** Alteration or expansion of a lawfully pre-existing non-conforming residential structure, requires a Special Permit from the Zoning Board of Appeals. If the Board finds that the increase will result in a substantial detrimental to the neighborhood, a Variance will be required.

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

Respectfully,



David Riquinha

Building Commissioner

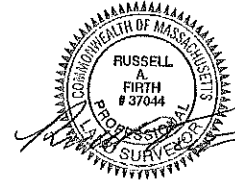
Zoning Enforcement Officer

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 the date of this letter.

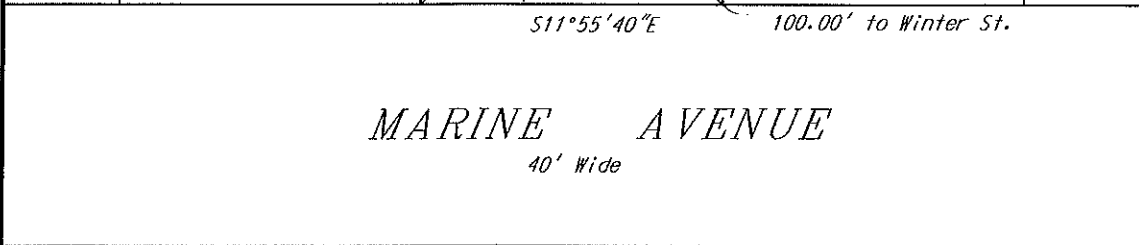
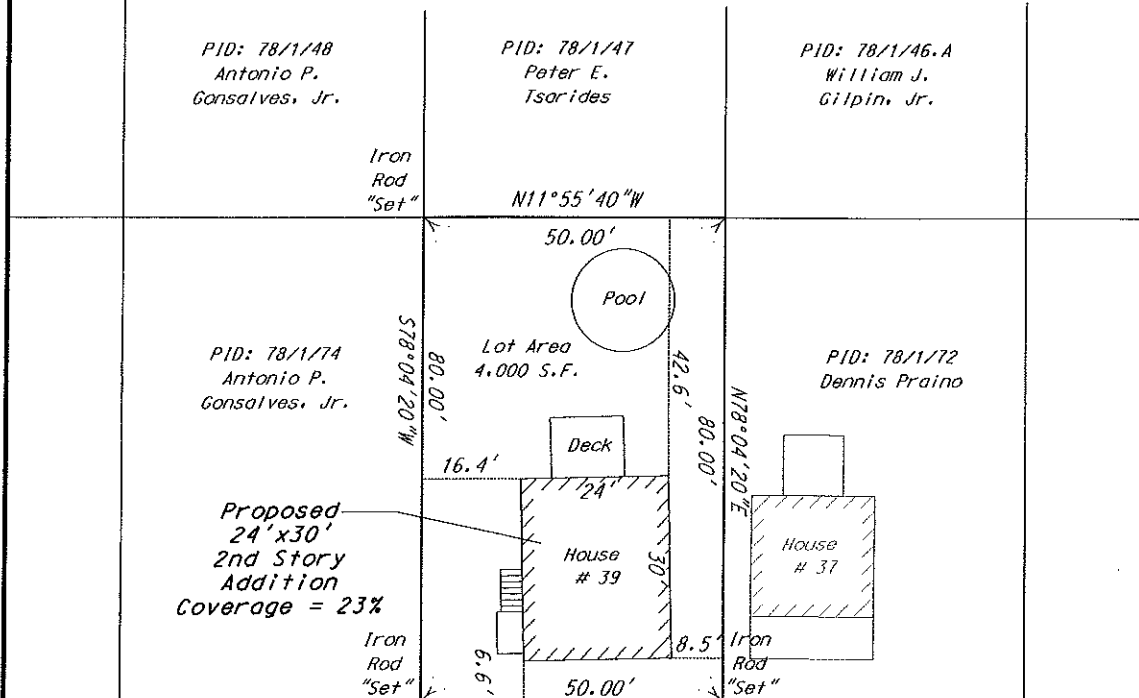
Owner:
 Lori J. and John R. Noberini
 39 Marine Avenue
 Wareham, MA 02576
 Deed Bk. 53999, Pg. 170
 Plan Book 6, Page 647
 Parcel ID: 78/1/73

I hereby certify that the lot corners,
 dimensions and setbacks to the existing
 structures on this plan are correct.



1/22/2022
 Date

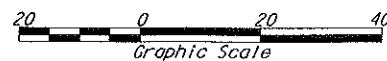
Professional Land Surveyor



**SITE PLAN
 IN
 WAREHAM, MASSACHUSETTS**
 PREPARED FOR
Lori Noberini

SCALE: 20 feet to an inch November 11, 2021
 American Land Surveys
 3 Sunset Lane
 Fairhaven, Massachusetts

Zone:
 District (R-30)
 Setbacks:
 Front 20'
 Side 10'
 Rear 10'
 Height 35'
 Lot Coverage 25%
 Actual Lot Coverage = 23%



Revi: January 22, 2022

John and Lori Noberini – 39 Marine Avenue – West Wareham, MA 02576
Abutters List

1. Dennis Praino
37 Marine Avenue
West Wareham, MA 02576
2. Michael Larkin, Jr.
Abutting Property Address
47 Marine Avenue
West Wareham, MA 02576
Mailing Address
7 Woodlawn Street
East Taunton, MA 02718
3. William J. Gilpin Jr.
58 Rose Point Avenue
West Wareham, MA 02576
4. Peter E Tsarides
Abutting Property Address
62 Rose Point Avenue
West Wareham, MA 02576
Mailing Address
7 Tilson Road
Rochester, MA 02770
5. Antonio P and Diane Marie Gonsalves
64 Rose Point Avenue
West Wareham, MA 02576
6. Claire Wentzell
Abutting Property Address
66 Rose Point Avenue
West Wareham, MA 02576
Mailing Address
21 E Greenwood Street
Cranston, RI 02960
7. John and Emily Heavy
70 Rose Point Avenue
West Wareham, MA 02576

John and Lori Noberini – 39 Marine Avenue – West Wareham, MA 02576
Abutters List

8. Rivers Edge Properties, LLC
Abutting Property Address
5 Winter Street
West Wareham, MA 02576
Mailing Address
1040 North Shore Road, Suite B7
Revere, MA 02151

9. Lawrence and Jamila Masani Ray
7 Winter Street
West Wareham, MA 02576

10. Gary Chavier
33 Osborne Avenue
West Wareham, MA 02576

11. John Kuse
37 Osborne Avenue
West Wareham, MA 02576

12. George Chace
C/O Cheryl L. Brown
Abutting Property Address
38 Osborne Avenue
West Wareham, MA
Mailing Address
188 Thompson Street
Middleboro, MA 02346

13. Joseph and Judith McDonough
41 Osborne Avenue
West Wareham, MA 02576

14. Janice A Hartford, Trustee and Rose Point Realty Trust
Abutting Property Address
43 Osborne Avenue
West Wareham, MA 02576
Mailing Address
PO Box 420
Richmond, MA 01254



FEMA Flood Map Service Center: Search By Address

Navigation

Search

Languages

Enter an address, place, or coordinates: 

39 Marine Avenue West Wareham, MA 02576

Search

Whether you are in a high risk zone or not, you may need [flood insurance](https://www.fema.gov/national-flood-insurance-program) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built.

Learn more about [steps you can take](https://www.fema.gov/what-mitigation) to reduce flood risk damage.

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MSC Search by Address (/portal/search)

MSC Search All Products (/portal/advanceSearch)

MSC Products and Tools (/portal/resources/productsandtools)

Hazus (/portal/resources/hazus)

LOMC Batch Files (/portal/resources/lomc)

Product Availability (/portal/productAvailability)

MSC Frequently Asked Questions (FAQs) (/portal/resources/faq)

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Contact MSC Help (/portal/resources/contact)

Search Results—Products for WAREHAM, TOWN OF

Show ALL Products » (<https://msc.fema.gov/portal/availabilitySearch?addcommunity=255223&communityName=WARI>)

The flood map for the selected area is number **25023C0557K**, effective on **02/05/2014**

DYNAMIC MAP



MAP IMAGE



(<https://msc.fema.gov/portal/downloadProduct?>

[productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=25023C0557K](https://msc.fema.gov/portal/downloadProduct?productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=25023C0557K))

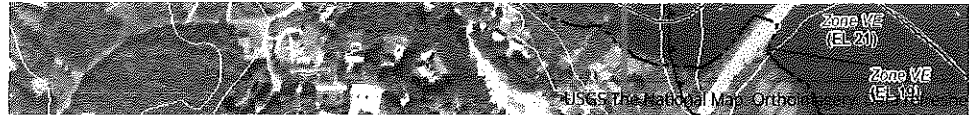
Changes to this FIRM

- Revisions (8)
- Amendments (10)
- Revalidations (4)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic FIRMette. If you are a person with a disability, are blind, or have low vision, and need assistance, please contact a map specialist (<https://msc.fema.gov/portal/resources/contact>).

Go To NFHL Viewer » (<https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d>)





Legend

PIH
 Approximate location based on user input and does not represent an authoritative property location

MAP PANELS
 Selected FloodMap Boundary
 Digital Data Available
 No Digital Data Available
 Unmapped

OTHER AREAS
 NO SCREEN Area of Minimal Flood Hazard Zone X
 Effective LOMRs
 Area of Undetermined Flood Hazard Zone D
 Otherwise Protected Area
 Coastal Barrier Resource System Area

SPECIAL FLOOD HAZARD AREAS
 Without Base Flood Elevation (BFE) Zone A, V, A99
 With BFE or Depth
 Regulatory Floodway Zone AE, AH, AO, VE, VEI

OTHER AREAS OF FLOOD HAZARD
 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 Future Conditions 1% Annual Chance Flood Hazard Zone X
 Area with Reduced Flood Risk due to Levee. See Notes, Zone X
 Area with Flood Risk due to Levee Zone D

OTHER FEATURES
 20.0 Cross Sections with 1% Annual Chance Water Surface Elevation
 17.5 Water Surface Elevation
 Coastal Transect
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 Limit of Study
 Jurisdiction Boundary
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 Profile Baseline
 Hydrographic Feature

GENERAL STRUCTURES
 Channel, Culvert, or Storm Sewer
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OIG HOTLINE
 Report Fraud, Waste & Abuse (<https://www.oig.dhs.gov/hotline>)

Official website of the Department of Homeland Security

*** Electronic Recording ***
Doc#: 00125427
Bk: 53999 Pg: 170 Page: 1 of 2
Recorded: 12/14/2020 02:40 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 12/14/2020 02:40 PM
Ctrl# 141780 17562
Fee: \$1,482.00 Cons: \$325,000.00

MASSACHUSETTS QUITCLAIM DEED

I, Emerald C. O'Driscoll-Oliver and Shawn Oliver of 39 Marine Avenue, West Wareham, MA 02576-1455 for consideration paid, and in full consideration of THREE HUNDRED, TWENTY-FIVE THOUSAND Dollars and NO/100 (U.S. \$325,000.00) grant to Lori J. Noberini and John R. Noberini, husband and wife, tenants by the entirety, now of 39 Maine Avenue, Wareham, MA.

with *quitclaim covenants*

The land with the buildings therein in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a point in the Westerly line of proposed Sippican Avenue, One Hundred and no/100 (100.0) feet Southerly from its intersection with the Southerly line of proposed Dennis Street;

thence Southerly in the Westerly line of said Sippican Avenue, Fifty and no/100 (50.0) feet of Lot 74;

thence Westerly by Lot 74, Eighty and no/100 (80.0) feet to a corner;

thence Notherly by Lot 47, Fifty and no/100 (50.0) feet to a corner;

thence Easterly by Lot 72, Eighty and no/100.0 (80.0) feet to the point of beginning.

Containing 4,000 square feet, and being Lot 73 on "plan of Section 1, Rose Point Subdivision, Wareham, Massachusetts, surveyed for A.B. Osborne and L.W. Canedy, Scale 1"=100', May 10, 1934, Sanuel H. Corse, Surveyor, Rochester, Massachusetts", recorded with Plymouth County Registry of Deeds, Plan Book 6, Page 647.

Meaning and intending to convey the same premises as described in that certain deed dated July 14, 2016 and recorded with the Plymouth Registry of Deeds of Deeds in Book 47178, Page 239.

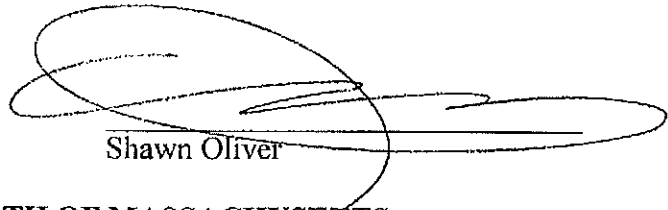
The grantors herein release any and all rights of homestead they may have acquired in and to the subject property by statute or otherwise and hereby warrants and represents that there are no persons entitled to any rights of homestead under M.G.L. Chapter 188 in the premises conveyed by this Deed, under the pains and penalties of perjury.

Property Address: 39 Marine Avenue, Wareham, MA 02576

Witness my hand and seals this 14th day of December, 2020.



Emerald C. O'Driscoll-Oliver



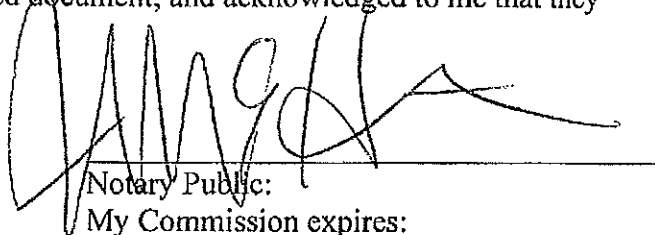
Shawn Oliver

COMMONWEALTH OF MASSACHUSETTS

Bristol, SS

December 14, 2020

On this 14th day of December, 2020, before me, the undersigned notary public, personally appeared Emerald C. O'Driscoll-Oliver and Shawn Oliver, proved to me through satisfactory evidence of identification, which were Driver's License to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

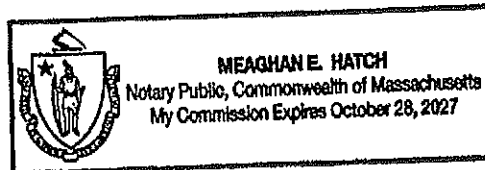


Notary Public:

My Commission expires:

PROPERTY
ADDRESS:

39 Marine Avenue
West Wareham MA 02576-1455





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Enter an address, place, or coordinates: 📍

39 Marine Avenue West Wareham, MA 02576

Whether you are in a high risk zone or not, you may need [flood insurance \(https://www.fema.gov/national-flood-insurance-program\)](https://www.fema.gov/national-flood-insurance-program) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built.

Learn more about [steps you can take \(https://www.fema.gov/what-mitigation\)](https://www.fema.gov/what-mitigation) to reduce flood risk damage.

Search Results—Products for WAREHAM, TOWN OF

Show ALL Products » (<https://msc.fema.gov/portal/availabilitySearch?addcommunity=255223&communityName=WARI>)

The flood map for the selected area is number **25023C0557K**, effective on **02/05/2014** 📍

DYNAMIC MAP



MAP IMAGE



([https://msc.fema.gov/portal/downloadProduct?](https://msc.fema.gov/portal/downloadProduct?productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=25023C0557K)

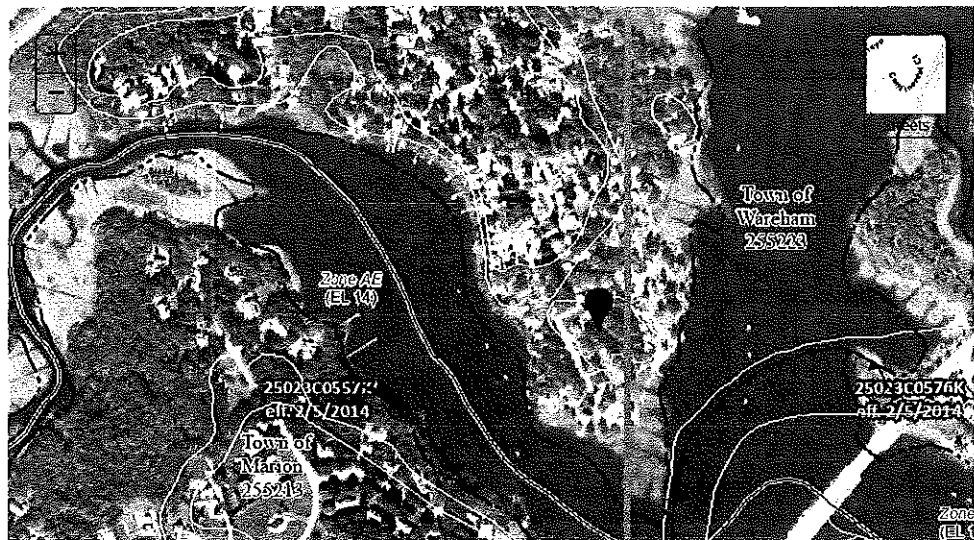
[productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=25023C0557K](https://msc.fema.gov/portal/downloadProduct?productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=25023C0557K))

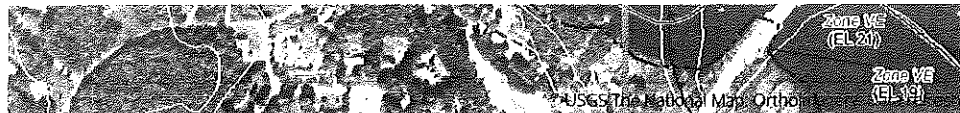
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SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, A99
- With BFE or Depth
- Regulatory Floodway Zone AE, AD, AH, VE, AR

OTHER AREAS OF FLOOD HAZARD

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<https://www.oig.dhs.gov/hotline>

Official website of the Department of Homeland Security