

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 \$6.73 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: 20 WINSHIP AVE MAP: 22 LOT: 2
ZONING DISTRICT: R 60
USE REQUESTED: _____
OWNER OF LAND & BUILDING: WINSHIP LLC TEL.# _____
ADDRESS OF OWNER: PO BOX
PERSON(S) WHO WILL UTILIZE PERMIT: JOHN C. DECAF
ADDRESS: 16 WINSHIP AVE WAREHAM 02571
DATE: 11/16/2021 SIGNATURE: [Signature]
This application was received on the date stamped here:

WAREHAM TOWN CLERK
2021 NOV 16 PM 4:15

Town Clerk: _____ Date: _____
Tax Collector: N/A Date: _____
Planning/Zoning Dept.: Aaron Sheehan Date: 11/16/21
Application fee paid: 300.00 Check #: 6348 Receipt: _____
Advertising fee paid: 100.00 Check #: 6349 Receipt: _____
Abutters fee paid: 84.33 Check #: 6347 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: JOHN C. DECAS

Applicant's Address: 16 WINSHIP AVE WAREHAM 02577

Telephone Number: 508 861 4529

Cell Phone Number: ←

Email Address: JOHNCRAN1934@GMAIL.COM

Address of Property/Project: 20 WINSHIP AVE

Landowner's Name: WINSHIP LLC

Owner's Address: PO BOX 75

Telephone Number: _____

Contact Person: WILLIAM CLEMMY Telephone Number: _____

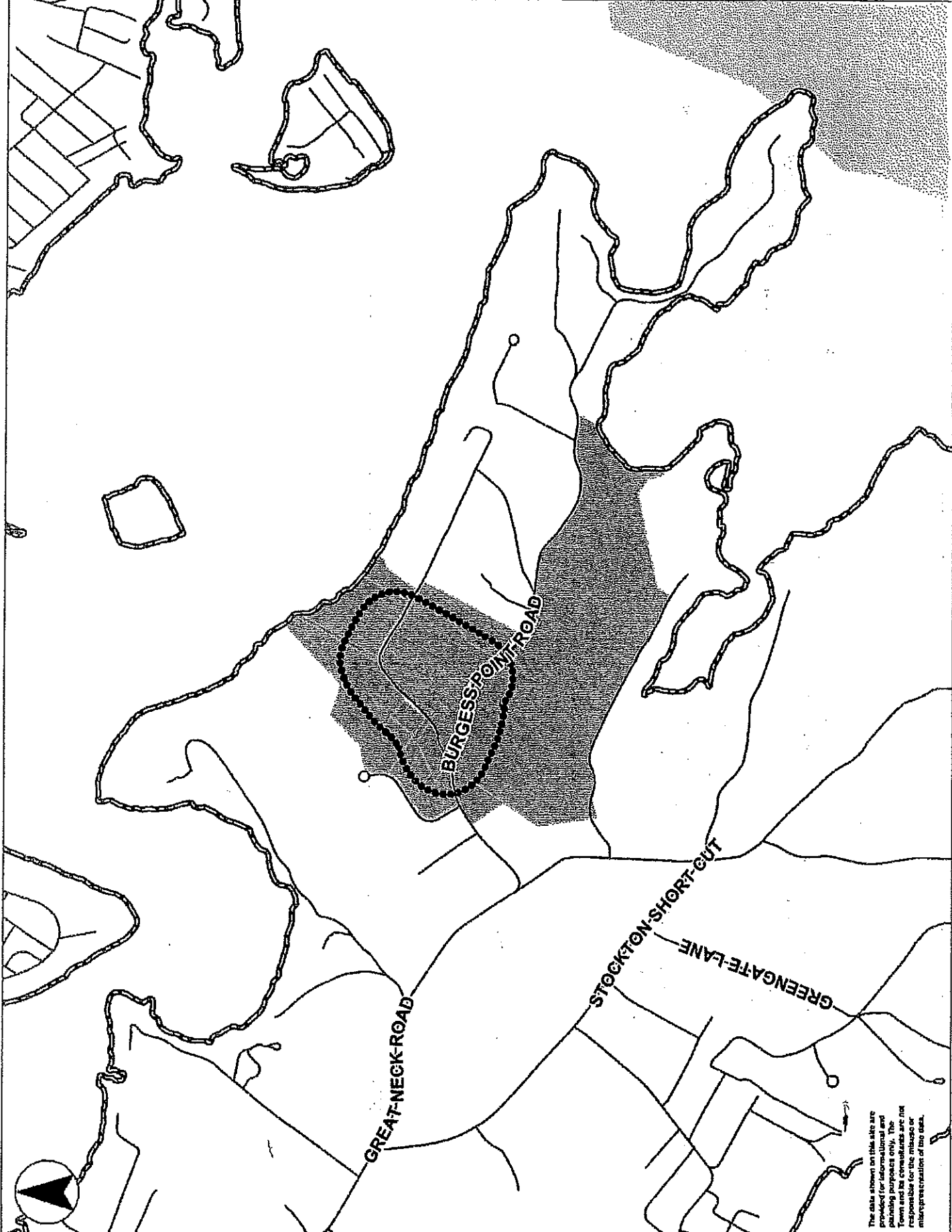
Map ← 22 Lot 2 Zone R60

Date Approved _____ Date Denied _____

Comments: _____

TOWN OF WAREHAM ABUTTERS							
MAP 22 LOT 2 300'							
OWNER WINSHIP LLC							
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE	
24-4	BEALJIEU KENNETH R	BEALJIEU KATHLEEN R	11 BURGESS POINT RD	WAREHAM	MA	02571	
21-81	BUZZARDS BAY COALITION INC		114 FRONT ST	NEW BEDFORD	MA	02740	
21-1	RHODES CHRISTENE M		18 BURGESS POINT RD	WAREHAM	MA	02571	
22-2	WINSHIP LLC		PO BOX 75	MANSFIELD	MA	02048	
21-1019	DECAS JOHN C TRUSTEE	DECAS BEVERLY C TRUSTEE	PO BOX 352	WAREHAM	MA	02571	
24/B	MASSACHUSETTS AUDUBON SOCIETY	INC	208 SOUTH GRATE RD	LINCOLN	MA	01773	
22-4/A	ANTIN JOSEPH H	ANTIN JANE HOMAN	30 BURGESS POINT RD	WAREHAM	MA	02571	
21-1021	ENOS RONALD A & BALZARINI PETER M	FULLER FREDERICK R & CARLTON EDMUND TRUSTEES	7 BURGESS POINT RD	WAREHAM	MA	02571	
22-4/B	MORAZZI CATHERINE		36 BURGESS POINT RD	WAREHAM	MA	02571	
CERTIFIED ABUTTERS AS THEY							
APPEAR ON OUR TAX ROLLS							
AS OF 11/15/2021							
<i>W. Renee Atkins</i>							
ASSESSORS OFFICE							
REQUESTED BY							
JOHN C DECAS							
JOHNCRAM1934@GMAIL.COM							

- MA Places
 - Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Buildings
- Parcels
- Town Boundary
- MA Highways
 - Interstate
 - US Highway
 - Numbered Routes
- Streets
- Borough
- Yield
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-70 ft
- 70+ ft
- Abutting Town Labels
- Abutting Towns



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misinterpretation of this data.

QUITCLAIM DEED

WE, HARRIET H. JOAQUIN, individually and HARRIET JOAQUIN and JEROME H. FLETCHER, Trustees of the John Joaquin Revocable Trust dated December 5, 1997 with mailing address c/o Jerome H. Fletcher, Esquire, 63 Main Street, P.O. Box 53, Bridgewater, MA 02324

RECORDED HEREWITH

for consideration of \$ 2,050,000.00 paid-----

grant to WINSHIP, LLC, a Massachusetts Limited Liability Company having its usual place of business at 750 South Main Street (P.O. Box 521), Mansfield, MA 02048

with quitclaim covenants

Land together with the buildings thereon situated in Wareham, Plymouth County, Massachusetts, and being shown as Lots 1 and 2 on a plan entitled "Division of Land surveyed for Walter W. Winship, Albert W. Winship and Wayne E. Clark, Trs., Burgess Point, Great Neck, Wareham, Mass." dated March 1, 1963, prepared by Walter E. Rowley & Associates, recorded with a deed dated May 13, 1963 from Albert W. Winship, Walter W. Winship and Wayne E. Clark, Trustees to Walter W. Winship recorded in the Plymouth County Registry of Deeds in Book 3110, Page 306 and bounded and described according to said plan as follows:

LOT 1

SOUTHWESTERLY by Onset Avenue, 473 feet;
NORTHWESTERLY by land now or formerly of Edward E. Julian et ux, 600 feet, more or less;
NORTHEASTERLY by Onset Bay, 487 feet, more or less; and
SOUTHEASTERLY by Lot 3 as shown on said plan, 365 feet, more or less.

Containing 4.8 acres of land, more or less.

LOT 2

NORTHEASTERLY by Onset Avenue, 225 feet, more or less;
SOUTHEASTERLY by Lot 4 as shown on said plan, 610 feet, more or less;
SOUTHWESTERLY by Burgess Point Road, 555 feet, more or less; and
NORTHWESTERLY by a woods road, 800 feet, more or less.

Containing 5.7 acres of land, more or less.

BROCKTON DEEDS REG#22 CANCELLED

07/08/04 2:12PM 01
000000 #8666
FEE \$9348.00
CASH \$9348.00

Together with all rights to use the ways shown on said plan, in common with others entitled thereto, including without limitation the owners from time to time of Lots 3,4,5 and 6, as shown on said plan.

For reference to title for the interest of Harriet H. Joaquin see deed dated June 16, 1976 recorded in Plymouth County Registry of Deeds Book 4171 Page 79. For the interest of the John Joaquin Revocable Trust, see Estate of John Joaquin, Plymouth County Probate Docket No. 99P1950-EP1. See also Disclaimer Document recorded in Plymouth County Registry of Deeds Book 18214 Page 119 and Trustee Certificate regarding the John Joaquin Revocable Trust recorded herewith.

See also Trustees' Certificate attached hereto as Exhibit A.

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
08 JUL 2004 02:18PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 28624 Pg 21B-220

Property address: 18 Winship Avenue/29 Burgess Point Road, Wareham, MA

EXHIBIT "A"

JOHN JOAQUIN REVOCABLE TRUST
TRUSTEES' CERTIFICATE

We, Harriet Joaquin and Jerome H. Fletcher, Trustees of the John Joaquin Revocable Trust, a certain declaration of Trust dated December 5, 1997 do hereby certify in accordance with the provisions of said Trust as follows:

1. That Harriet Joaquin and Jerome H. Fletcher are the sole Trustees of the John Joaquin Revocable Trust and that said Trust declaration is currently in full force and effect and has not been revoked, terminated or amended.
2. That all of the beneficiaries of said Trust are individuals of lawful age and legal capacity.
3. That we are authorized by the terms of said Trust to sell real estate and are further authorized to sign, acknowledge and deliver a Quitclaim Deed for sale of 18 Winship Avenue/29 Burgess Point Road, Wareham, Massachusetts to Winship, LLC for deed consideration of \$2,050,000.00.

Signed as a sealed instrument this 8th day of July, 2004

John Joaquin Revocable Trust

Harriet Joaquin Trustee
Harriet Joaquin, Trustee

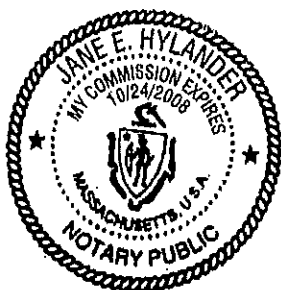
Jerome H. Fletcher Trustee
Jerome H. Fletcher, Trustee

COMMONWEALTH OF MASSACHUSETTS

Plymouth ss:

July 8, 2004

Then personally appeared the above named Harriet Joaquin and Jerome H. Fletcher, Trustees aforesaid, proved to me through satisfactory evidence of identity to be the persons whose names are signed on this document, and acknowledged that they signed it voluntarily for its stated purpose, before me,



Jane E. Hylander
Notary Public: Jane E. Hylander
My Comm. Expires: 10/24/2008

WITNESS our hands and seals this 8th day of July, 2004

Harriet H. Joaquin
Harriet H. Joaquin, individually

John Joaquin Revocable Trust

by Harriet Joaquin, Trustee
Harriet Joaquin, Trustee

by Jerome H. Fletcher, Trustee
Jerome H. Fletcher, Trustee

COMMONWEALTH OF MASSACHUSETTS

Plymouth ss:

July 8, 2004

Then personally appeared the above named Harriet H. Joaquin, individually and Harriet Joaquin and Jerome H. Fletcher, Trustees aforesaid, proved to me through satisfactory evidence of identity to be the persons whose names are signed on this document, and acknowledged that they signed it voluntarily for its stated purpose, before me,



Jane E. Hylander
Notary Public: Jane E. Hylander
My Comm. Expires: 10/24/2008

John Decas
2021
16 Winship Ave.
P.O. Box 352
Wareham, MA 02571

October 18,

Dear Mr. Decas,

I am in receipt of your email dated October 8, 2021, which requests enforcement of conditions 1, 3,4,5,6, & 7, of the Special Permit decision issued by the Wareham Planning Board dated January 14, 2019. I have once again, reviewed the information available to me, and my findings are as follows:

- Condition #1:

“Site visits for the Planning Board or its representative shall be called for by the Applicant when ready to begin work, when grading is finished, and before any repair of the travelled ways. Upon completion of stump removal and regrading, the Applicant shall call for a site visit by the Planning Board or its representative.”

Response: There have been numerous site visits at the Burgess Point Road clearing location, and I have been told conflicting information from both sides regarding notification to the Board. There is not enough information to base a case for retroactive enforcement; therefore, I decline to enforce on this matter.

- Condition #3:

“Disposal of the stumps shall be off-site at an approved disposal facility. Location of said disposal facility shall be identified for the Planning Board.”

Response: There has been conflicting information regarding this condition, and there is not enough evidence to warrant a case for retroactive enforcement; therefore, I decline to enforce on this matter.

- Condition #4:

“All finish grades shall be within 6 inches of existing grades as shown on the plan. An ‘as built’ survey shall be completed and submitted to the Planning Board upon completion of regrading.”

Response: After careful review of the as-built drawing labeled “Plan of Existing Conditions Winship Avenue”, it appears the contour lines substantially coincide with the original “Conservation Plan of land” dated December 7, 2015. There are two additional details on the existing conditions plan labeled “Existing mound” that I believe to be piles of topsoil that were later spread and seeded. I decline to enforce on this matter.

- Condition #5:

“When the weather and ground temperature are appropriate for vegetative growth, a grass and wild flower mix of seed shall be spread as ground cover. One or a combination of techniques to ensure germination and growth of the ground cover, such as hydro seeding, watering and/or fertilizing may be required as requested by the Planning Board or its representative.”

Response: Site visits to the property prove substantial vegetative growth from ground level, as a normal person would view in plain sight. (See attached photos) There are a few areas where the growth is sparse; however, in the absence of a written growth percentage requirement, I feel as though there is not enough information here to base a case for enforcement. I decline to enforce on this matter.

• Condition #6:

“Repair and maintenance of existing Sediment and Erosion controls shall be completed as required or needed. All Sediment and Erosion controls shall be kept in place and maintained until stabilization of the soils, as that time is determined by the Planning Board or its representative. Additional Sediment and Erosion controls may be requested by the Planning Board’s representative where erosion and washouts may occur, until such time as the grades are stabilized.”

Response: After speaking with the conservation agent, it is my understanding that the reasoning for the sediment control line was to demarcate the one hundred foot wetland buffer, and was installed per order of the Wareham Conservation Commission. Since that time, the Conservation Commission has signed off on this project and the sediment control barrier is no longer required. I decline to enforce on this matter.

• Condition #7:

“Disturbance or damage to the travel ways shall be repaired immediately.”

Response: Mr. Clemmy, and Mr. Decas have both taken responsibility for the repair of Burgess Point Road on numerous occasions. It is impossible to know who is being truthful in this matter and since this case began, the “traveled way” has been improved on several occasions, and has repeatedly degraded due to weather and normal traffic usage. In my opinion, there is no reasonable way to make a factual determination as to what damage was a result of the land clearing, and what is from normal wear and tear. I decline to enforce in this matter.



Town of Wareham
Building Commissioner
Zoning Enforcement Officer

In accordance with the provisions of M.G.L. chapter 40A § 15, you may appeal this decision to the Zoning Board of Appeals within thirty (30) days of the date of this letter.

54 Marion Road. Wareham, MA 02571
Tel: (508) 291-3100 ext. 3190 Fax: (508) 291-3116

~~SAD~~
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