

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: 3 OAKhill Road LOT: T-5 MAP: 39
ZONING DISTRICT: R-30
USE REQUESTED: _____
OWNER OF LAND & BUILDING: KEVIN NICKERSON TEL.# 508-269-3383
ADDRESS OF OWNER: 3 OAKhill Road
PERSON(S) WHO WILL UTILIZE PERMIT: KEVIN NICKERSON
ADDRESS: 3 OAKhill Road Wareham
DATE: 10-8-20 SIGNATURE: Kevin Nickerson
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: Kathy King Date: 10/8/20
Planning/Zoning Dept.: _____ Date: _____
Application fee paid: _____ Check #: _____ Receipt: _____
Advertising fee paid: _____ Check # _____ Receipt: _____
Abutters fee paid: _____ Check # _____ Receipt: _____

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: KEVIN NICKERSON

Applicant's Address: 3 OAKHILL ROAD

Telephone Number: 508-269-3383

Cell Phone Number: 508-269-3383

Email Address: K.NICKERSON@COMCAST.NET

Address of Property/Project: 3 OAKHILL ROAD WAREHAM

Landowner's Name: KEVIN NICKERSON

Owner's Address: 3 OAKHILL ROAD

Telephone Number: 508-269-3383

Contact Person: KEVIN Telephone Number: 508-269-3383

Map 39 Lot T-5 Zone R-30

Date Approved _____ Date Denied 4-29-20

Comments: 1476.5 sq ft allowed
2304 sq ft proposed

NEED A VARIANCE FOR FLOOR AREA RATIO
MEASUREMENTS FOR INTERIOR WALLS AND THE WINDOW
AND DOOR LOCATIONS MAY VARY

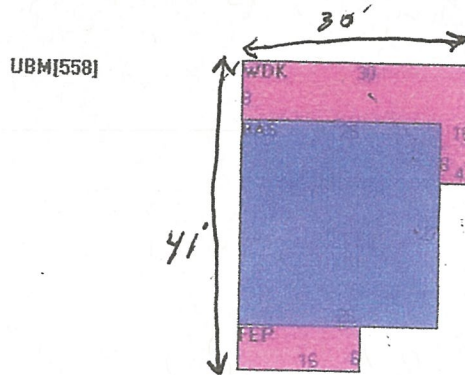
Replacement Cost: \$120,087
 Building Percent: 67
 Good:
 Replacement Cost Less Depreciation: \$80,500

Building Photo



(http://images.vgsi.com/photos2/WarehamMAPhotos/\00\01\5

Building Layout



| Building Attributes | |
|---------------------|----------------|
| Field | Description |
| Style | Ranch |
| Model | Residential |
| Grade: | Below Ave |
| Stories: | 1 Story |
| Occupancy | 1 |
| Exterior Wall 1 | Wood Shingle |
| Exterior Wall 2 | |
| Roof Structure: | Gable/Hip |
| Roof Cover | Asphalt Shing |
| Interior Wall 1 | Panel |
| Interior Wall 2 | |
| Interior Flr 1 | Carpet |
| Interior Flr 2 | Linoleum |
| Heat Fuel | Oil |
| Heat Type: | Forced Hot Air |
| AC Type: | None |
| Total Bedrooms: | 2 Bedrooms |
| Total Bthrms: | 1 |
| Total Half Baths: | 0 |
| Total Xtra Fixtrs: | |
| Total Rooms: | 4 Rooms |
| Bath Style: | Average |
| Kitchen Style: | Standard |

| Building Sub-Areas (sq ft) | | | Legend |
|----------------------------|----------------|------------|-------------|
| Code | Description | Gross Area | Living Area |
| BAS | First Floor | 702 | 702 |
| FEP | Enclosed Porch | 96 | 0 |
| UBM | Basement Unfin | 558 | 0 |
| WDK | Deck, Wood | 272 | 0 |
| | | 1,628 | 702 |

Extra Features

| Extra Features | | | | Legend |
|----------------|---------------|---------|-------|--------|
| Code | Description | Size | Value | Bldg # |
| FLU1 | FLUE/CONCRETE | 1 UNITS | \$500 | 1 |

NOTES:

1. THIS PROJECT WILL REQUIRE A PERMIT FROM THE CONSERVATION COMMISSION PRIOR TO THE START OF CONSTRUCTION.
2. THE PROPOSED DWELLING IS TO BE SERVICED BY MUNICIPAL WATER AND SEWER UTILITIES.
3. PROPOSED LAYOUT AND ELEVATIONS PER ARCHITECTURAL PLANS AS PREPARED BY PRATTI ENTERPRISE, HANSON, MA.

ZONING DISTRICT: **R-30 (SMALL LOT - TABLE 62B)**

| | MIN. LOT SIZE | PROVIDED |
|--------------------|---------------|--------------------|
| | = 30,000 S.F. | 5,906 S.F. |
| MIN. FRONTAGE | = 150' | 70.0' |
| MIN. FRONT SETBACK | = 20' | 5.9' |
| MIN. SIDE SETBACK | = 10' | 2.6' & 10.4' |
| MIN. REAR SETBACK | = 10' | > 10' |
| MAX. F.A.R.* | = 1,500 S.F.* | 2,454 S.F. (41.6%) |

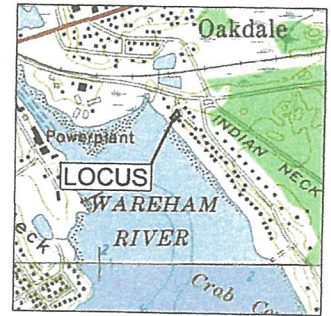
*TOTAL ALLOWABLE FLOOR AREA SHALL NOT BE LESS THAN THE MAX. ALLOWED BY THE PRIOR, SMALLER SIZE CATEGORY (5,000 S.F. x 30% = 1,500 S.F.)

OWNER OF RECORD:
KEVIN NICKERSON
3 OAK HILL ROAD
WAREHAM, MA 02571

LOCUS:
LOT T5 ON ASSESSOR'S MAP 39

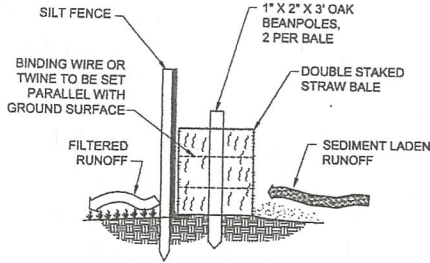
DEED REFERENCE:
DEED BOOK 51749, PAGE 39

PLAN REFERENCE:
PLAN BOOK 3, PAGE 554



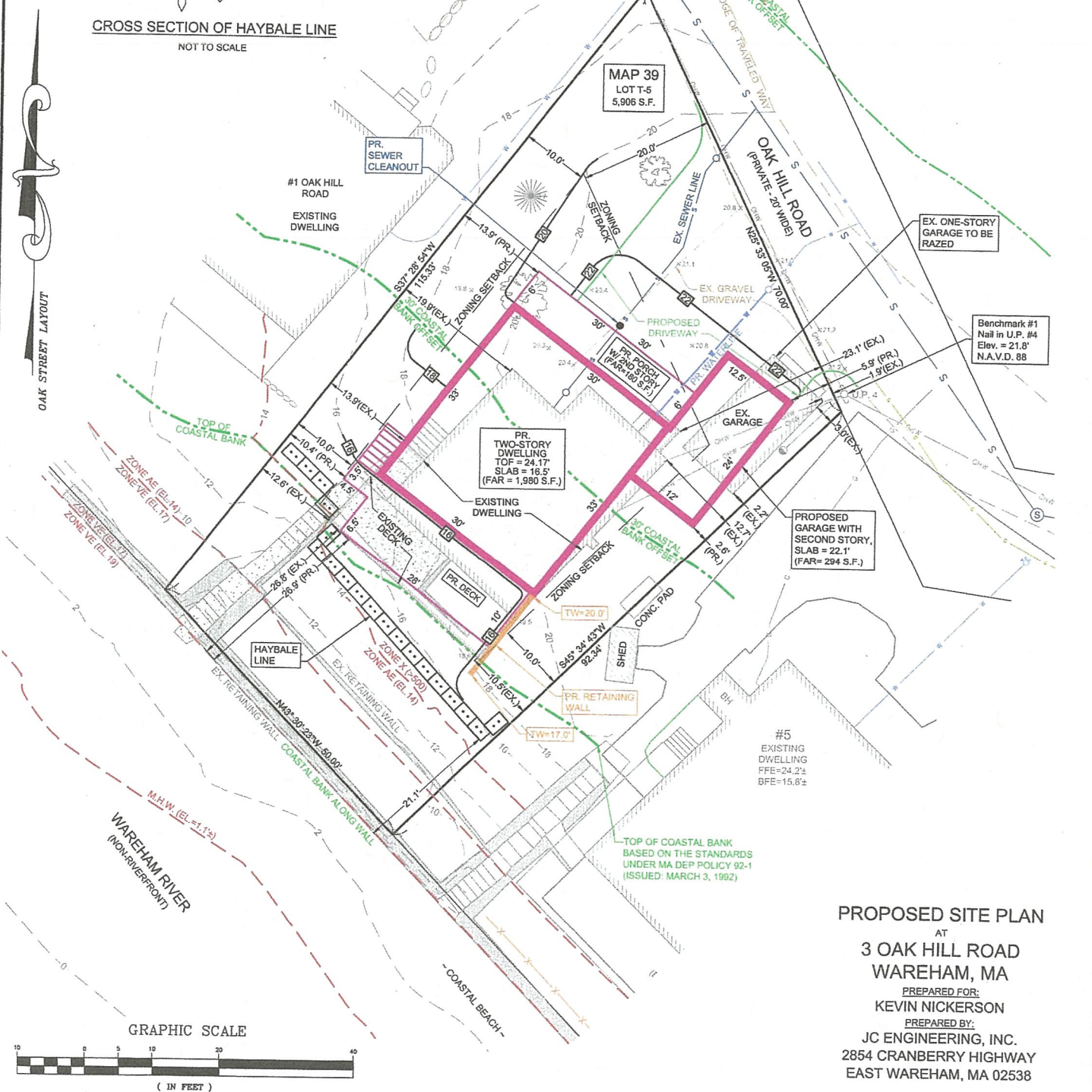
LOCUS PLAN

SCALE: 1" = 1000'

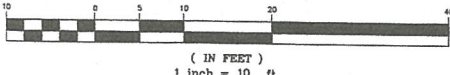


CROSS SECTION OF HAYBALE LINE

NOT TO SCALE



GRAPHIC SCALE



PROPOSED SITE PLAN

AT
**3 OAK HILL ROAD
WAREHAM, MA**

PREPARED FOR:
KEVIN NICKERSON

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

SCALE: 1" = 10' MARCH 17, 2020



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David E Morris
Director of Inspectional Services

Bradley Bertolo
J.C. Engineering, Inc.
2854 Cranberry Hwy
East Wareham, MA 02538

April 29, 2020

RE: 3 Oak Hill Rd.

After careful review of your documents, I must deny your application at this time. In my opinion, the proposed dwelling does not meet setback requirements and exceeds the allowable Building coverage percentage and Floor Area Ratio. In order to proceed with this proposal, a Variance must be granted by the Zoning Board of Appeals.

The proposal is being denied under the following sections of the Wareham Zoning By-Law:

omit

- Article 621 Maximum Building Coverage
- Article 628 Dimensional Standards for Existing Small Lots ← VARIANCE for FAR
- Article 621 Minimum Front and Side/Rear Setback

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

Respectfully,


David Morris
Zoning Enforcement Officer

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.

Document the Building Commissioner
gave to me at my 10-8-20 meeting
with him



1476.5 sq ft permitted

2304 sq ft proposed

FAR variance =

628 + 1357



NOTES:

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| | MIN. FRONT SETBACK | = 20' |
| | MIN. SIDE SETBACK | = 20' |
| | MIN. REAR SETBACK | = 10' |
| | MIN. REAR SETBACK | = 10' |
| | MAX. F.A.R.* | = 1,500 S.F.* |

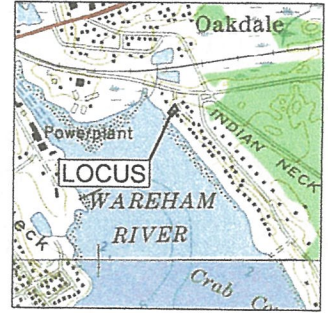
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3 OAK HILL ROAD
WAREHAM, MA 02571

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LOT T5 ON ASSESSOR'S MAP 39

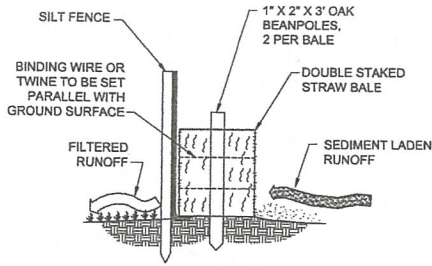
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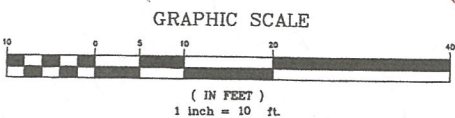
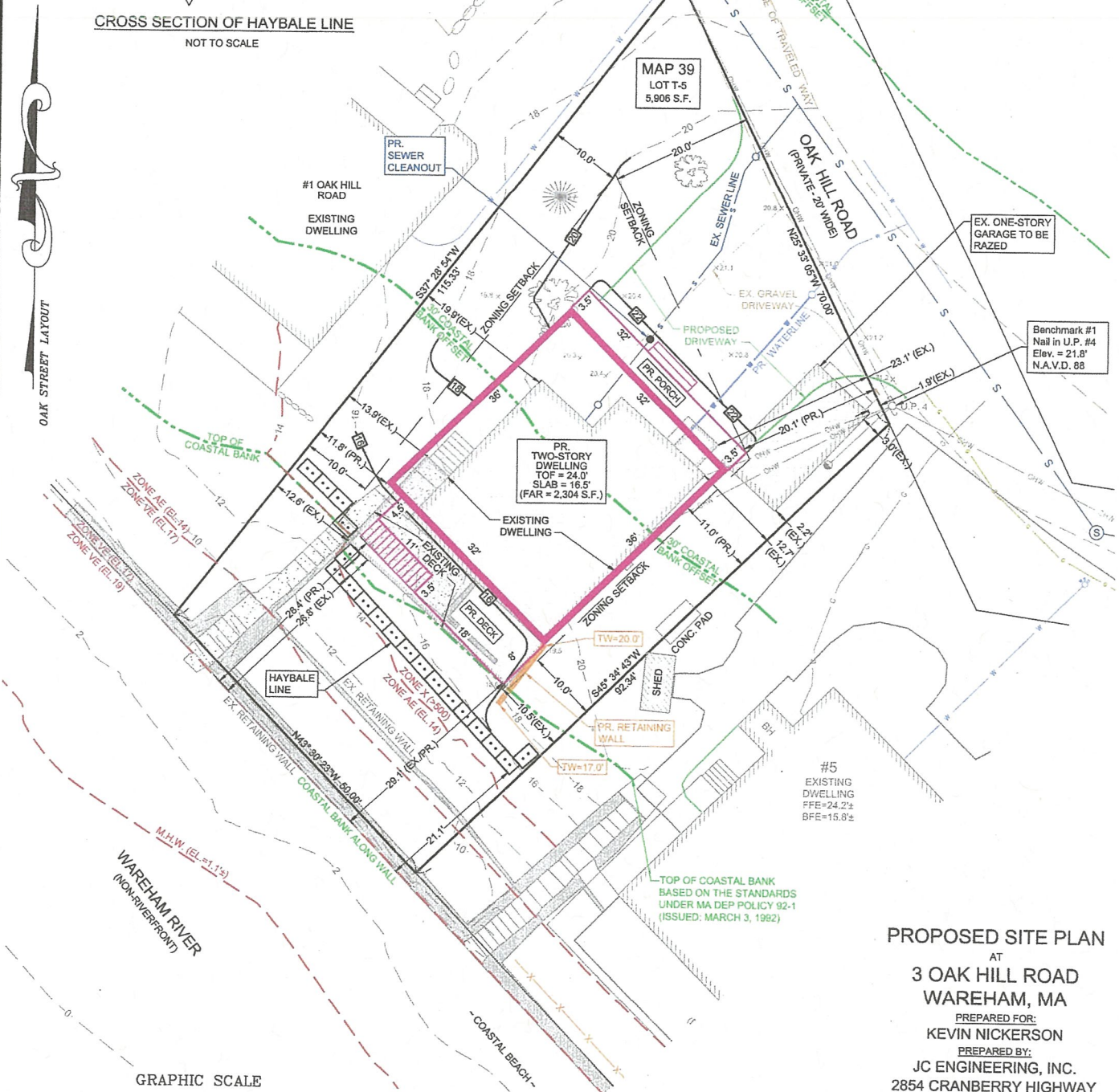
LOCUS PLAN

SCALE: 1" = 1000'



CROSS SECTION OF HAYBALE LINE

NOT TO SCALE



PROPOSED SITE PLAN

AT
3 OAK HILL ROAD
WAREHAM, MA

PREPARED FOR:
KEVIN NICKERSON

PREPARED BY:
JC ENGINEERING, INC.
2854 CRANBERRY HIGHWAY
EAST WAREHAM, MA 02538

SCALE: 1" = 10' MARCH 17, 2020
REV1: SEPT. 11, 2020

TOWN OF WAREHAM

ABUTTERS LIST

KEVIN NICKERSON

MAP 39 LOT T5

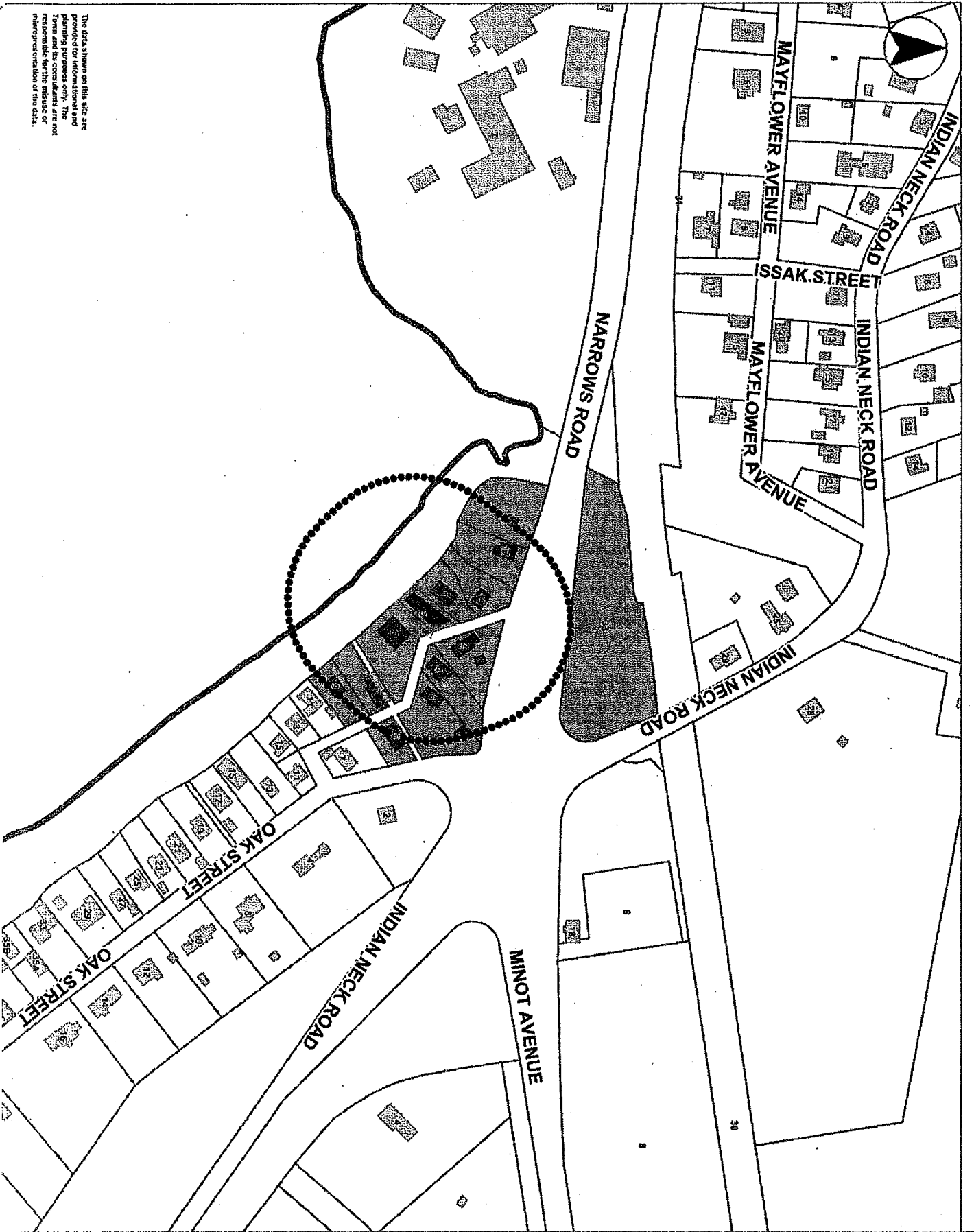
3 OAKHILL ROAD, WAREHAM, MA

| MAP/LOT | OWNER | MAILING ADDRESS | TOWN | STATE | ZIP | LOCATION |
|---------|--------------------------------|------------------|------------|-------|-------|-------------------|
| 39-1000 | SCHMIDT SUSAN J | 80 SOUTH MAIN ST | MIDDLEBORO | MA | 02346 | 15 NARROWS RD |
| 39-T1 | NOLAN JOHN J + SUSAN M | 19 NARROWS RD | WAREHAM | MA | 02571 | 17 NARROWS RD |
| 39-T2 | NOLAN SUSAN M TRUSTEE | 19 NARROWS RD | WAREHAM | MA | 02571 | 19 NARROWS RD |
| 39-T3 | NOLAN JOHN J + SUSAN M | 19 NARROWS RD | WAREHAM | MA | 02571 | 1 OAK HILL RD |
| 45-1005 | DECAS JOHN C | PO BOX 352 | WAREHAM | MA | 02571 | 33 INDIAN NECK RD |
| 39-T7 | MCDUFFY ROBERT + JANA | 5 OAK HILL RD | WAREHAM | MA | 02571 | 5 OAK HILL RD |
| 39-T4 | COFFEY KAREN E + EDWARD F | 2 OAK HILL RD | WAREHAM | MA | 02571 | 2 OAK HILL RD |
| 39-T11 | MCCAFFERY ELLEN N + SEAN E | 44 HADLEY RD | PEPPERELL | MA | 01463 | 7 OAK HILL RD |
| 39-T6 | SWITZER DAVID L + ALICE M, TRS | 7 STANDLEY RD | N EASTON | MA | 02356 | 4 OAK HILL RD |
| 39-T13 | SPINALE JOHN A JR + PATRICIA I | 121 CENTRAL ST | NORWELL | MA | 02061 | 9 OAK HILL RD |
| 39-T8 | COOPER THOMAS M JR | 6 OAK HILL RD | WAREHAM | MA | 02571 | 6 OAK HILL RD |
| 39-T12 | TALTY DAVID B + MARLA | 5 OAK ST | WAREHAM | MA | 02571 | 5 OAK ST |

CERTIFIED ABUTTER'S LIST AS THEY APPEAR ON OUR TAXROLLS AS OF 1/1/2020

James J. Pelt

ASSESSORS OFFICE



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 misrepresentation of the data.

0 320 640 ft

Printed on 10/08/2020 at 02:22 PM

MapsOnline by PeopleGIS

- MA Places:
 - Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
- Buildings
- Points
- Perimeter
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Streets
- Bathymetry
 - 0-5 ft
 - 5-10 ft
 - 10-15 ft
 - 15-20 ft
 - 20-30 ft
 - 30-40 ft
 - 40-50 ft
 - 50-60 ft
 - 60-70 ft
 - 70+ ft
- Abutting Town Labels
- Abutting Towns

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 10/04/2019 12:12 PM
Ctrl# 129026 05837 Doc# 00083726
Fee: \$1,778.40 Cons: \$390,000.00

CANCELLED

QUITCLAIM DEED



Bk: 51749 Pg: 39 Page: 1 of 4
Recorded: 10/04/2019 12:12 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

Property Address: 3 OAK HILL ROAD, WAREHAM, PLYMOUTH COUNTY, MA

We, Robert Galligan, being married, of 21 Brander Road, Attleboro, Massachusetts, Paul Galligan, being married, of 34 Portside Drive, Pocasset, Massachusetts, John Galligan, being married, of 86 North Avenue, Attleboro, Massachusetts, and James Galligan, being married, of 39 Robbins Street, Osterville, Massachusetts

for consideration paid of Three Hundred Ninety Thousand 00/100 Dollars (\$390,000.00)

grants to Kevin . Nickerson, being married, now of 3 Oak Hill Road, Wareham, County of Plymouth, Massachusetts

with Quitclaim Covenants

the land in Wareham, Plymouth County, Massachusetts, together with the buildings and improvements thereon, situated on Tempest Knob Terrace, so called, on the southerly side of Oak Hill Road and bounded and described as follows:

Beginning at a corner of Lot #3 on a plan of lots hereinafter referred to at a stake, thence westerly by said Lot #3 to a stake near the beach, thence southerly 50 feet to a stake in line of Lot #7 on said Plan; thence northeasterly to a stake in line of said Lot #7 and said road; thence by said road northerly 70 feet to the bound first mentioned.

Being Lot #5 on "Plan of lots Tempest Knob Terrace, Wareham, Mass. owned by Jessie A. Bowman and George W. Forsberg, subdivided April 1922 by Frederick S. Weston, C.E.", to which plan is recorded in the Plymouth County Registry of Deeds.

This conveyance includes all rights in common with others to the use of the beach for boating and bathing and recreational purposes, and the right of way described in a deed from Jessie A. Bowman et al. to Charles C. Reed and Abbie L. Reed, dated May 3, 1922 and recorded in said Registry of Deeds in Book 1433, Page 293.

The grantors hereby affirm that this was not a homestead property and under the pains and penalties of perjury that no other person are entitled to claim the benefit of the existing estate of homestead.

Meaning to convey the same premises conveyed to Grantors by Deed from Mary F. Galligan, dated September 24, 2010, now deceased on January 23, 2018 (See Plymouth

County Probate Docket # PL180898EA) and recorded December 22, 2010 at the Plymouth County Registry of Deeds in Book 39446, Page 269. Further being the same premises conveyed by Deed, dated September 28, 1968, from Cyril B. Keane and Margaret M. Keane to Charles M. Galligan and Mary F. Galligan, and recorded October 1, 1968 at the Plymouth County Registry of Deeds in Book 3427, Page 646. With Charles M. Galligan becoming deceased on December 16, 2007 (see Death Certificate recorded herewith).

Witness our hands and seals this 4th day of October, 2019.

Robert Galligan
Robert Galligan

STATE OF SOUTH CAROLINA

Horry County

On this 4 day of October 2019, before me, the undersigned notary public, personally appeared Robert Galligan, proved to me through satisfactory evidence of identification, which was MA Driver's license to be the person whose names is signed on the preceding or attached document, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose and who swore or affirmed that the contents contained therein are truthful and accurate to the best of his knowledge and belief.

Denise Priewe
Notary Public Denise Priewe
My Commission Expires: 06/24/2025



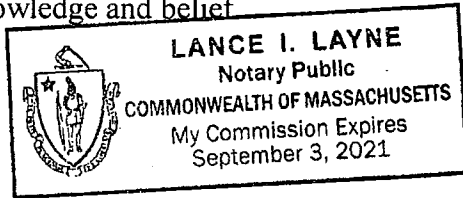
DENISE PRIEWE
NOTARY PUBLIC
STATE OF SOUTH CAROLINA
HORRY COUNTY
MY COMMISSION EXPIRES 06/24/2025

Paul Galligan
Paul Galligan

COMMONWEALTH OF MASSACHUSETTS

Plymouth County

On this 4th day of October, 2019, before me, the undersigned notary public, personally appeared Paul Galligan, proved to me through satisfactory evidence of identification, which was Driver License to be the person whose names is signed on the preceding or attached document, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose and who swore or affirmed that the contents contained therein are truthful and accurate to the best of his knowledge and belief.



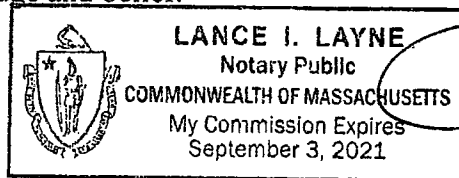
[Signature]
Notary Public
My Commission Expires: 9-3-21

John Galligan
John Galligan

COMMONWEALTH OF MASSACHUSETTS

Plymouth County

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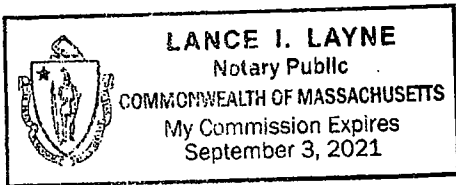
[Signature]
Notary Public
My Commission Expires: 9-3-21

James B Galligan
James Galligan

COMMONWEALTH OF MASSACHUSETTS

Plymouth County

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[Signature]
Notary Public
My Commission Expires: 9-3-21