
THE LAW OFFICES OF BELLO & MORTON, LLC

184 Main Street Wareham, Massachusetts 02571 • 508-681-2334

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

Re: Application for Special Permit/Variance Assessors Map 46-A, Lot 1-54, and Map 46-A, Lot 1-55 118/120 Pinehurst Drive, Wareham, MA

1. Petitioners

Stephen and Mary Ramsay, Managers
Dona Estate LLC
50 Dona Drive
Middleboro, MA 02346

2. Recorded Owner:

Stephen and Mary Ramsay, Managers
Dona Estate LLC
50 Dona Drive
Middleboro, MA 02346

3. Certified Abutters List:

Copy Attached as Exhibit A

4. Current Deed and Trust Documents:

Plymouth County Registry of Deeds Book 47728, Page 273 (Deed). Exhibit B.

5. Building Inspector's Denial Letter:

Denial Letter attached here as Exhibit C from the Building Commissioner referencing Appeal to Zoning Board of Appeal is necessary.

6. Proposed Site Plan:

Attached as Exhibit D is a copy of the Relevant Plan. Please note our Parcel is in the R-30 District.

7. Memorandum from Applicants:

See the attached Memorandum s as Exhibit E as accompanying evidence for the allowance this petition.

8. Photographs:

See the attached collection of photos of the locus; 118/120 Pinehurst Drive and the examples of similar builds with garages in front including one of their direct abutters as Exhibit F.

9. Letter of Intent

Dear Mr. Chairman,

I represent the applicant Mr. and Mrs. Ramsay re the above application for a Special Permit/Variance on his proposed new garage in the Pinehurst area. Mr. and Mrs. Ramsay fell in love with Wareham like most visitors of Wareham when they purchased their property in 2016. The cottage which is located on the Broad Marsh River consists of several parcels. They met with an engineer to pursue adding a garage to the property for storage of vehicles, a boat, as well as other tools.

Background:

The timeline my client has supplied clearly shows that they have made every and all efforts to comply with local ordinances. Especially concerned about the conservation no touch buffer Zone in construction of the garage – there was an error. The garage was constructed 5 feet in front of the main dwelling closer to the street.

The By-Laws:

Per the Commissioners Letter of Violation, “Front setbacks of accessory buildings shall be equal to or greater than the existing buildings’ front setback” Per table 625 of the Zoning By-Laws Note #1.

Legal Standard as Applied to our case:

The first determination we ask the board to make is that this change is not detrimental to the neighborhood.


Please take a look at the GIS MAP and the property in question. A survey of the property nearby on smaller lots show many examples of the garages in front of the properties, many are a lot closer to the street, including one of their direct abutters on 122 Pinehurst Drive.

It is due to the shape and topography of the Lot that garage is unable to be located more set back from the road. My clients have already gone through the Conservation Board to approve the project making sure to abide by the regulations as they are directly abutting the waterfront. There is a no touch zone which my clients were very careful not breach. Ocean front homes are unique in that they have beautiful views which make it reasonable to have the garages slightly in front. A literal enforcement of the By-Law would cause a substantial hardship as it would for all practical purposes prevent the addition of a garage, which in today’s world is considered more than a necessity than an extravagant convenience.

The intention of the Zoning By-Law in question is to keep the integrity of the neighborhood and make sure that the zone does not become cluttered with accessory buildings. Our property consists of several lots, and meets all other requirements for Zoning including setbacks, F.A.R., lot coverage etc. This garage will only increase taxable property values in the area and will not only be a benefit to the homeowners but also to the neighbors.

All things considered allowing this Special Permit/Variance would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law.

Respectfully submitted,

By 

Jilian A. Morton, Esq.

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: 118-120 Pinehurst Dr. LOT: 118 = 46-A-1-54 MAP: 46-A-1-55 class 101
ZONING DISTRICT: R-30 class 132
USE REQUESTED: addition of garage
OWNER OF LAND & BUILDING: Steven & Mary Ramsay TEL. # 508-208-9100
ADDRESS OF OWNER: 118-120 Pinehurst Dr. Wareham 02571
PERSON(S) WHO WILL UTILIZE PERMIT: Steve Ramsay
ADDRESS: 118-120 Pinehurst Dr. Wareham

DATE: 12/3/2020 SIGNATURE: [Signature]
This application was received on the date stamped here: Book 52687 - page 0131
Both 118-120 Pinehurst Dr.

Town Clerk: _____ Date: _____
Tax Collector: _____ Date: _____
Planning/Zoning Dept.: _____ Date: _____
Application Fee Paid: _____ Check #: _____ Receipt: _____
Abutter Fee Paid: _____ Check #: _____ Receipt: _____
Advertising 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: Steven Ramsay

Applicant's Address: 118 120 Pinehurst Dr Wareham

Telephone Number: 508 208 9621

Cell Phone Number: 508 208 9621

Email Address: ramsaymasonry@gmail.com

Address of Property/Project: 118 120 Pinehurst Dr

Landowner's Name: Steven and Mary Ramsay

Owner's Address: 118 120 Pinehurst Dr Wareham

Telephone Number: 508 208 9621

Contact Person: Jillian Morton, ESQ Telephone Number: 508-295-2522

Map 46-A-1 Lot 54 Zone R-30

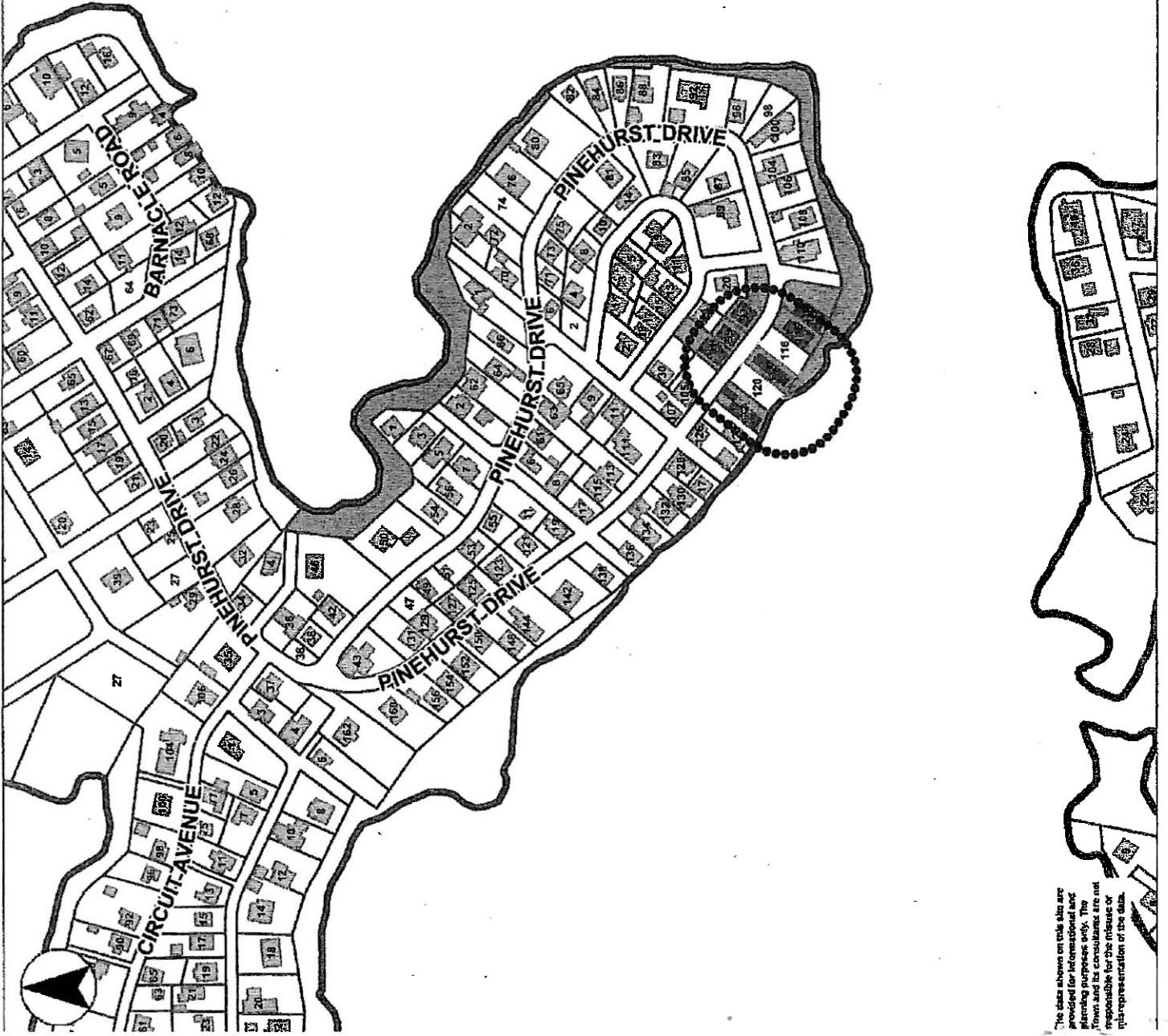
Date Approved _____ Date Denied _____

Comments: _____

EXHIBIT A

Certified Abutters list

TOWN OF WAREHAM ABUTTERS		MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
MAP 46/A/1 LOT 54		46/A-1-57	LUCIER JOYCE M LIFE ESTATE		39 BANKS ST	BROCKTON	MA	02302
OWNER STEVEN B RAMSAY		46/A-1-56	BEVILACGUA ROBIN L TRUSTEE	RICHARDSON FAM 2020 IRREV TR	29 FIELDWOOD DR	SAGAMORE BEACH	MA	02562
		46/A-1-111/A	CHAMPA JOHN L & CATHERINE T TRS	C/O MARIE C RYAN ET AL PERS REP	60 RYAN DR	NORWOOD	MA	02062
		46/A-1-112	DERANIAN KAREN TR KULDA FAMILY	C/O KAREN DERANIAN	30 WOODLAND CIR	WAREHAM	MA	02571
		46/A-1-113/A	GONSALVES JULIA A	C/O JULIA A MACKAY	PO BOX 596	W WAREHAM	MA	02576
		46/A-1-52	TAYLOR SUSAN J		29 WHITAKER AVE	RUMFORD	RI	02916
		46/A-1-1000	PINEHURST BEACH ASSOCIATION		PO BOX 256	WAREHAM	MA	02571
		46/A-1-50	SARSON JOHN A ET ALS TRUSTEES	PINEHURST BEACH IMPROVEMENT	PO BOX 256	WAREHAM	MA	02571
		46/A-1-114/A	MACKIEWICZ BENJAMIN J JR		97 PINEHURST DR	WAREHAM	MA	02571
CERTIFIED ABUTTERS AS THEY								
APPEAR ON OUR TAX ROLLS								
AS OF 10/30/2020								
<i>gy Ramsay</i>								
ASSESSORS OFFICE								
REQUESTED BY								
STEVEN RAMSAY								
RAMSAYMASONRY@GMAIL.COM								



- MMA Phase
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parcels
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Unimproved Road
- 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

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



Printed on 11/24/2020 at 02:49 PM

EXHIBIT B

WAGGON-REGISTRATION TAX
By MAIL: 293-3150 #11 001
Date: 08/04/05 12:00:43 AM
019 12078 20117 0048 00015405
Fee: \$198.00 Code: 0176,000.00

CANCELLED

QUITCLAIM DEED

L. Stephen E. Katarowski, Jr. a married man, of 111 Hadley Rd, Plymouth, MA 01920-0600.

For consideration paid of One Hundred Seventy Five Thousand and 00/100 (\$175,000.00) Dollars

GRANT to Tom Rapier, of 80 Island Creek Road, Dunbury, MA 02132, AS SOLE OWNER

with QUITCLAIM COVENANTS

A certain parcel of land, lying on lots the Town of Plymouth and the Town of Middleboro, shown as Lot #2, on a Plan entitled "Plan of Land in Plymouth, Mass. and Middleborough, Mass. Drawn by Norman G. Braddock, et al. Scale 1"=39.1' June 8, 1973 Malcolm T. Shaw Co., Inc. Survey Consultants, 590 Massachusetts Street, Hallowell, Mass.", which plan is recorded with Plymouth Registry of Deeds in Plan Book 17 Page 485 and more particularly bounded and described as follows:

BEING (SING) of the Southerly-west corner of the premises of a concrete bound on the North-westerly side of Cedar Street in Middleborough a corner of land bounded and owned by Carlos Pratt, thence running North 65 deg. 30' 00" West along the existing line of said Cedar Street, a distance of 51.0 feet to a corner, thence running and running North 62 deg. 06' 26" East, a distance of 12.44 feet to a corner, thence running and running North 49 deg. 11' 16" East, crossing the Plymouth-Middleboro line into Plymouth, a distance of 175.12 feet to a corner, thence turning and running North 64 deg. 31' 31" East a distance of 75.31 feet to a corner, thence turning and running South 89 deg. 53' 04" East a distance of 92.30 feet to a corner, thence turning and running North 78 deg. 27' 48" East, a distance of 198.11 feet to a concrete bound, thence turning and running South 45 deg. 33' 24" East a distance of 162.49 feet to a concrete bound, thence running and running South 31 deg. 31' 37" West, crossing the Plymouth-Middleboro line, a distance of 6.50 feet to the point of beginning, and containing 3.50 acres

and the hereby certifies under the pains and penalties of perjury that the premises conveyed by this deed is not licensed property and there are no other persons entitled to have stand rights in said property pursuant to M.G.A. Ch. 183 as amended.

For Grantor's file see a deed recorded with the Plymouth County Registry of Deeds in Book 50177 Page 51

M and J
Return to: *Bonnie Harlow*
1st Cedar St

Plymouth MA 01920

Property Address: 1 Cedar Street, Plymouth and Middleborough, Massachusetts

EXHIBIT C

news

This speaks for itself

WN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

November 5, 2020

Donna Estates LLC
c/o Steve Ramsay
120 Pinehurst Drive
Wareham, MA 02571

RE: 118/120 Pinehurst Drive

Map # 46-A, Lot # 1-54

Notice of Violation

Dear Mr. Ramsay,

On November 2, 2020, I was made aware of a new violation at 118/120 Pinehurst Drive, in Wareham, MA; A building in which you own and or are in control of. The foundation for the new garage was poured forward of the main dwelling and not in accordance with town approvals. Detached accessory buildings must be in line with, or behind the existing buildings' current setback and cannot be forward of the primary structure. The building is in violation of the Wareham Zoning By-law.

Zbl §§ 625, Note # 2, Accessory Buildings; "Front setbacks of accessory buildings shall be equal to or greater than the existing buildings' front setback."

Remedy: You must cease & desist all operations relating to this project and apply to the Zoning Board of Appeals for a Variance to permit the infraction. If you are successful at the hearing, and no appeals are filed within the 20 day statutory appeal period, you will then need to record the decision with the Plymouth County Registry of Deeds and provide a stamped copy to the Building Department for approval to continue construction. If you are not successful, and proper relief is not granted, you will be required to raze the foundation and reconstruct it in a conforming location.

Your immediate attention to this matter is appreciated

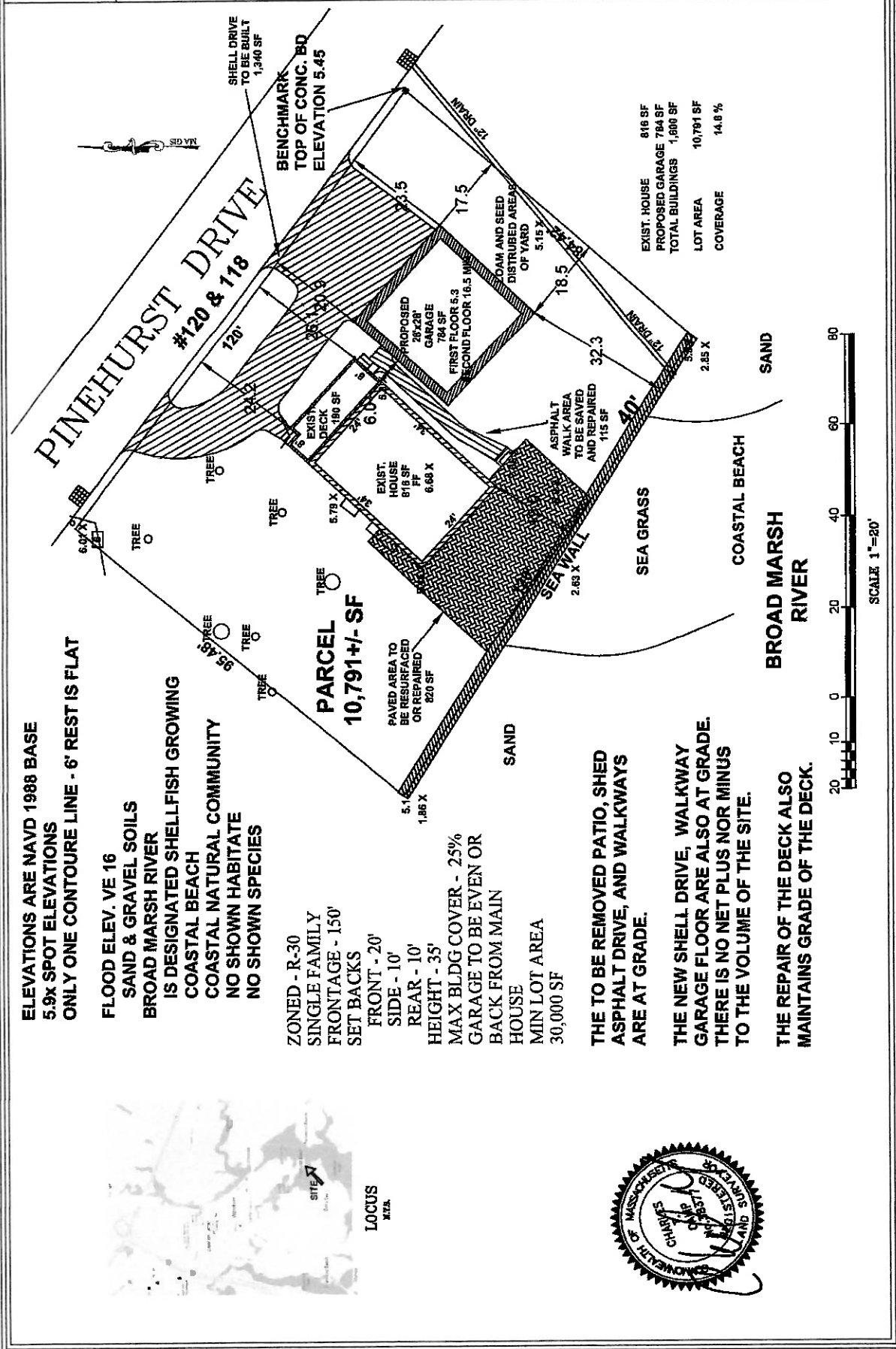
Respectfully,



David Riquinha
Building Commissioner
Zoning Enforcement Officer

EXHIBIT D

DATE: 11/4/2020	DRAWN/CHECKED: JCS	SCALE: 1"=20'	SHEET NO. ZBA-1
PREPARED FOR: DONNA ESTATES LLC 116-120 PINEHURST DR. WARREN, MASSACHUSETTS			
DRAWING: FOUNDATION LOCATIONS			
PROJECT: GARAGE 118 & 120 PINEHURST DRIVE WARREN, MASSACHUSETTS			
774-768-0544 jspinke@gmail.com		774-768-0544	
JOHN SPINK, P.E. 69 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1052			



ELEVATIONS ARE NAVD 1988 BASE
5.9x SPOT ELEVATIONS
ONLY ONE CONTOUR LINE - 6' REST IS FLAT

FLOOD ELEV. VE 16
SAND & GRAVEL SOILS
BROAD MARSH RIVER
IS DESIGNATED SHELLFISH GROWING
COASTAL BEACH
COASTAL NATURAL COMMUNITY
NO SHOWN HABITATE
NO SHOWN SPECIES

ZONED - R-30
SINGLE FAMILY
FRONTAGE - 150'
SET BACKS
FRONT - 20'
SIDE - 10'
REAR - 10'
HEIGHT - 35'
MAX BLDG COVER - 25%
GARAGE TO BE EVEN OR
BACK FROM MAIN
HOUSE
MIN LOT AREA
30,000 SF

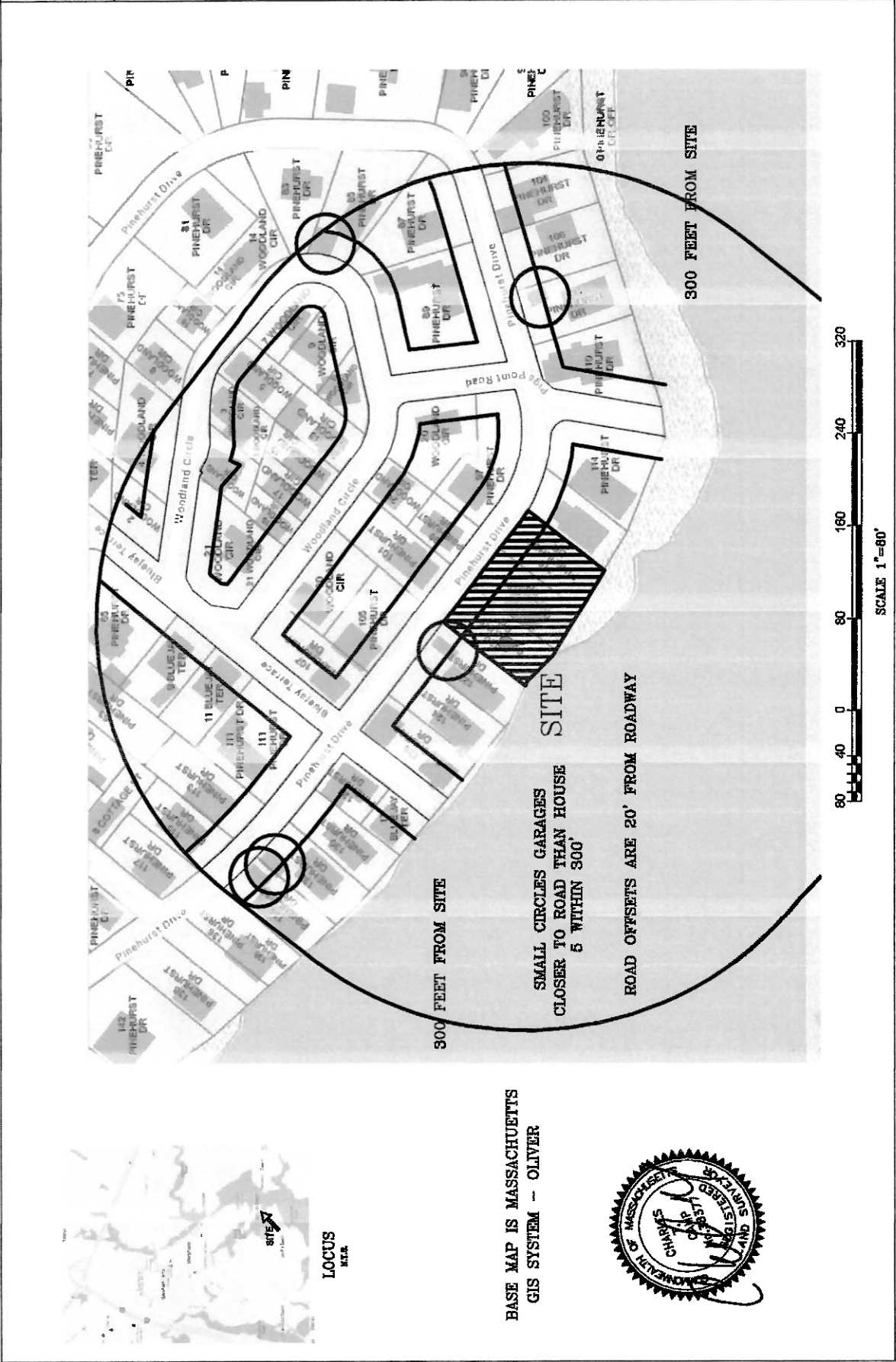
THE TO BE REMOVED PATIO, SHED
ASPHALT DRIVE, AND WALKWAYS
ARE AT GRADE.

THE NEW SHELL DRIVE, WALKWAY
GARAGE FLOOR ARE ALSO AT GRADE.
THERE IS NO NET PLUS NOR MINUS
TO THE VOLUME OF THE SITE.

THE REPAIR OF THE DECK ALSO
MAINTAINS GRADE OF THE DECK.



SHEET NO. ZBA-2	DRAWING 300' ROAD IDENTIFICATION	PROJECT GARAGE 118 & 120 PINEHURST DRIVE WAREHAM, MASSACHUSETTS	PLAN SET: ZBA
			DATE: 11/4/2020
SCALE: 1"=40'	PREPARED FOR: DONNA ESTATES LLC 118-120 PINEHURST DR. WAREHAM, MASSACHUSETTS	PROJECT: JOHN SPINK, P.E. 69 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1082	DATE: 11/4/2020
DATE: 11/4/2020	PREPARED FOR: DONNA ESTATES LLC 118-120 PINEHURST DR. WAREHAM, MASSACHUSETTS	PROJECT: JOHN SPINK, P.E. 69 CLAY STREET MIDDLEBORO, MASSACHUSETTS 02346-1082	DATE: 11/4/2020



LOCUS
MTR

BASE MAP IS MASSACHUSETTS
GIS SYSTEM -- OLIVER



EXHIBIT E

Memorandum

To: Jillian Morton
From: Steve and Mary Ramsay
Date: November 29, 2020
Regarding: Garage Project at 118-120 Pinehurst Drive

Here is what we wrote:

My wife of 47 years and I purchased a little cottage in Wareham in 2016 with the plan of downsizing, investing our life savings and retiring to this special community. The cottage property consisted of three parcels: an unbuildable lot, the cottage, and we were told a buildable lot with an old foundation, patio and walkway to the street with its own street number. We had no desire to build another house, but we did want to have a garage as the 1960 cottage has no cellar and an attic that is not easily accessible for us. So that was the plan when purchasing and relocating to Wareham. We love the town, the diversity of the population, and our little neighborhood. We have been very impressed with the Buzzards Bay Collation and the Wareham Land Trust, participating in their activities, and hopefully getting more involved as soon as this virus is under control.

We started our plan by purchasing the cottage at the end of 2016. It took 3 years to get a permit to rebuild the 700 sq. ft. old 1960 interior, to winterize, and put on a second floor. Next step was the garage. We started the permitting process in April. It took 6 – 8 weeks to hear back from the inspector who I never met in person. He did apologize for the long wait and stated he would get back to me promptly. I then got a call from George Steward, the then assistant inspector, stating I had to go to conservation and get approval. My wife and I went through the process all summer with Dave Pichette and our engineer, John Spink. We finally had a hearing in September with an approval. I received a building permit for the garage on October 1 and because of the time of year, I went right ahead:

10/5 – removed the turtle-shaped shed

10/20 – started removing the old foundation, patio, and walkway

10/23 – pour the footing

10/26- poured the foundation

10/27 – stripped the foundation, called George for an inspection, got his approval

10/28 – backfilled, lumber delivered, and framer started (he put 4 weeks aside for this project)

10/29 – at 4 p.m. I received a call from George Stuart stating the foundation is in front of the house by 5' and is in violation of a local code. I immediately went to the building department and met with George and it just so happened Dave Pichette was in his office. I was very upset and stated I knew I was closer to the street, still back more than the 20' setback, but I was concerned about the more that 30' from the water. I was paranoid about this after many meetings with Conservation. Dave Pichette stated then that Conservation was all set.

11/2 – I was told that Dave Riquinha was starting as commissioner on Monday morning. I went to see him on that Monday at 8 a.m. and he was literally unpacking his office. He asked me to come back at 2 to discuss the situation. At that time, he told me if I continued I would be doing so at my own risk but stated that if I was more than 20' from the street, I would only have 1 violation. He said I needed a new plot plan. My Engineer came to the house, looked at the site, did what was asked, and sent it off on 11/4

11/3 – I was able to speak to Naziah Elkallassi and explained my situation. I asked him if I continued how would the board view it? Would they think me arrogant? He felt that they would not. He stated he was a builder and understood weather concerns being November and December, but he could not speak for them.

Framers have continued and I have had many sleepless nights.

EXHIBIT F

our Locus

118/120

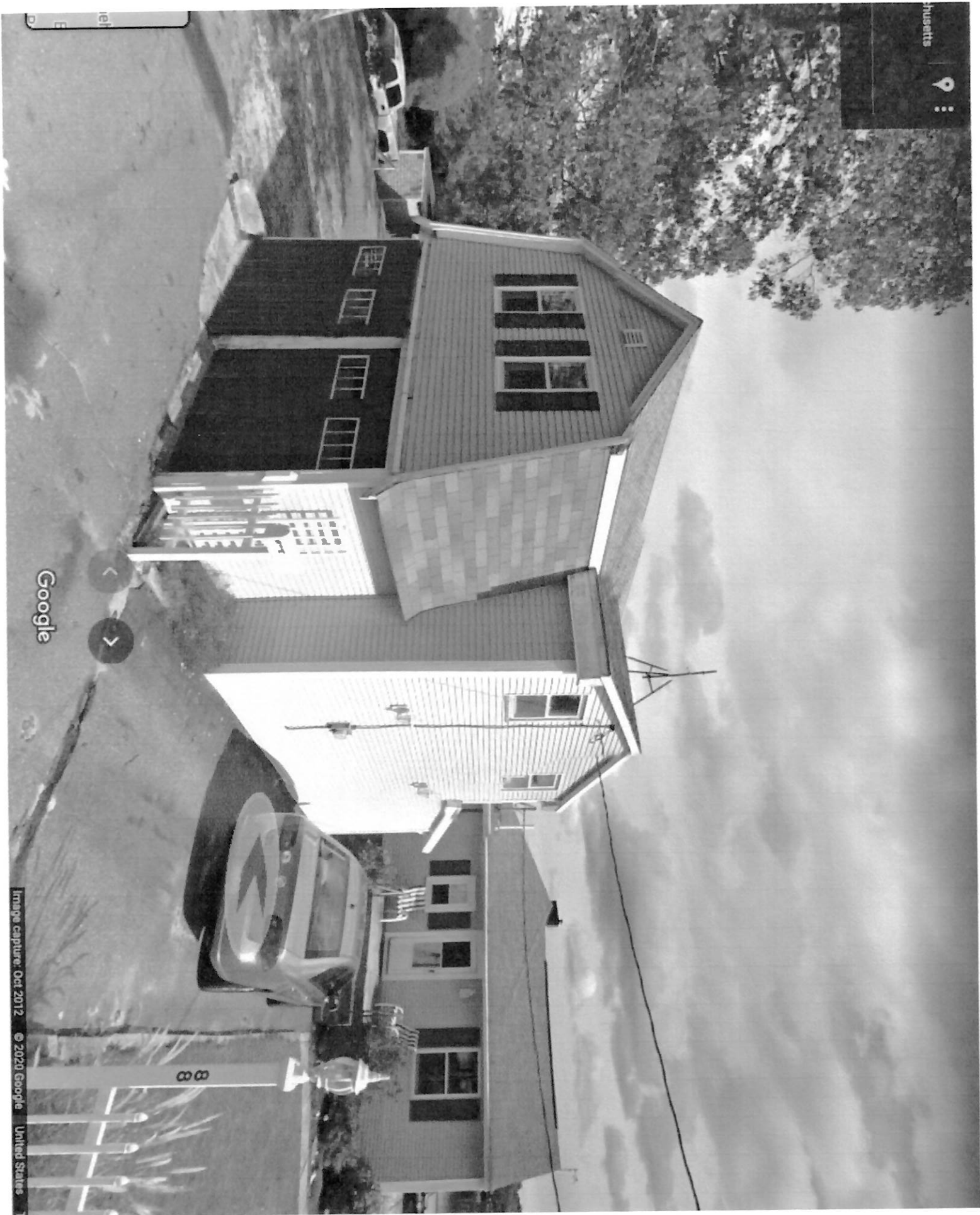
Pinehurst



116 Pinehurst Drive



88 Pinehurst Drive



Google

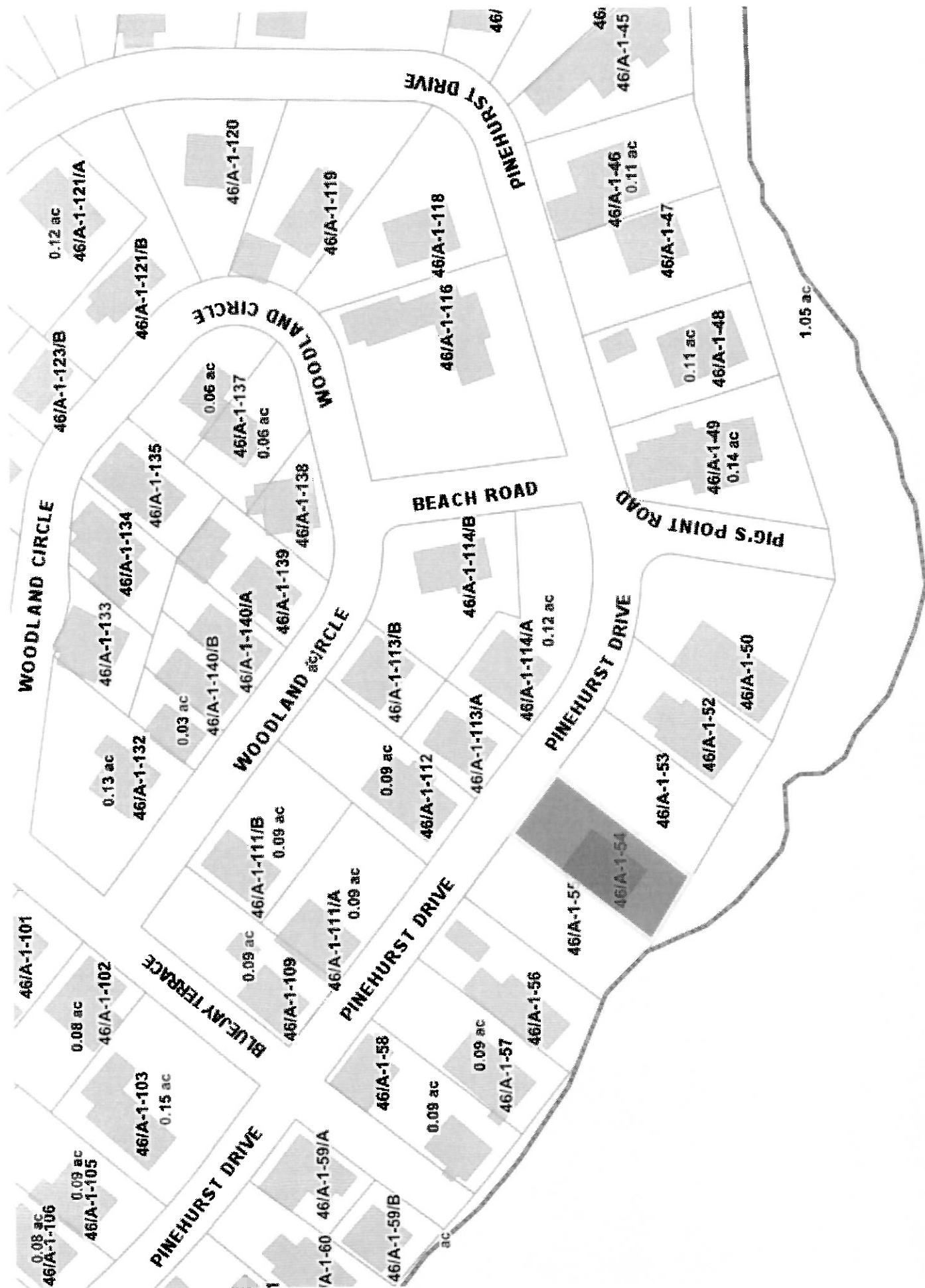
Image capture: Oct 2012 © 2020 Google United States

92 Pinehurst Drive

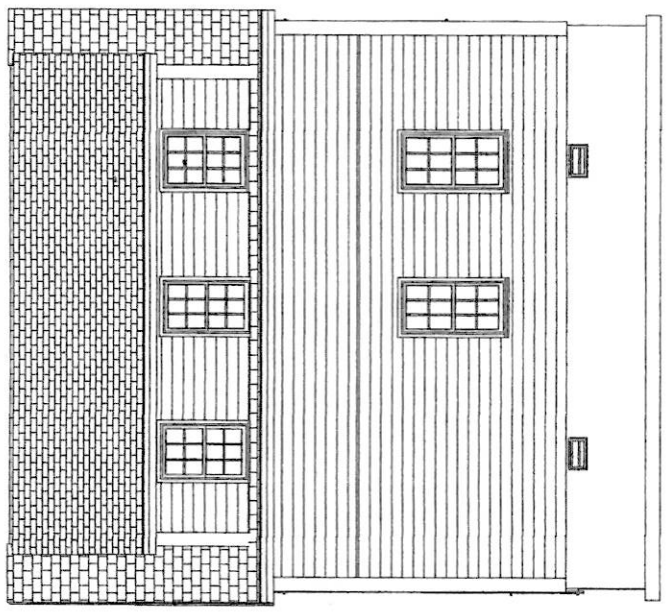
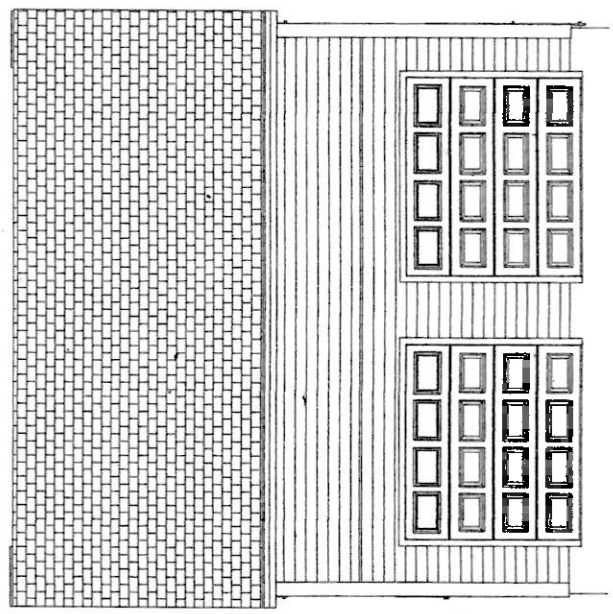
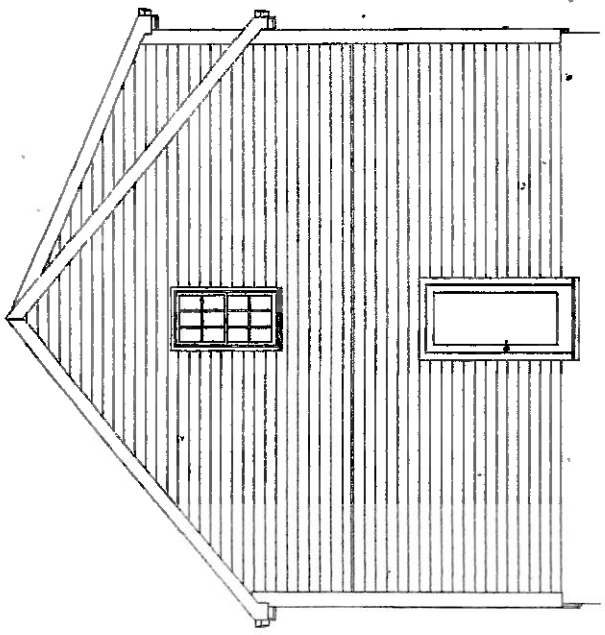


115 Pinehurst Dr.



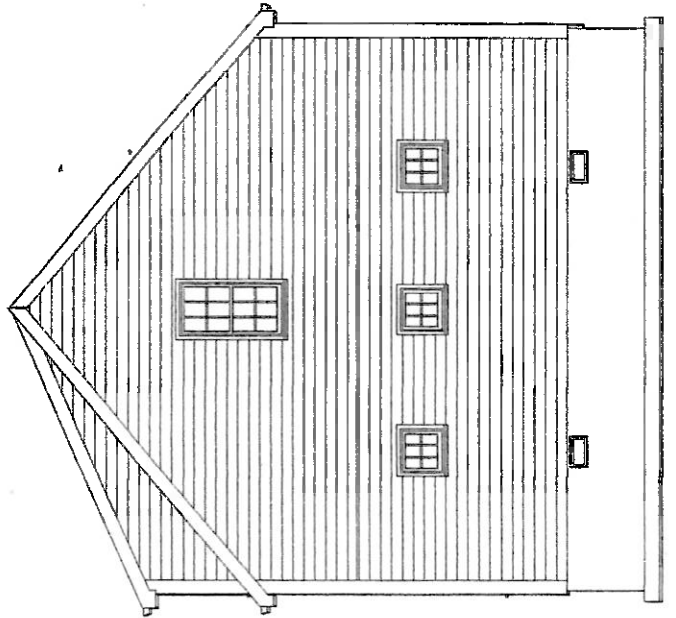
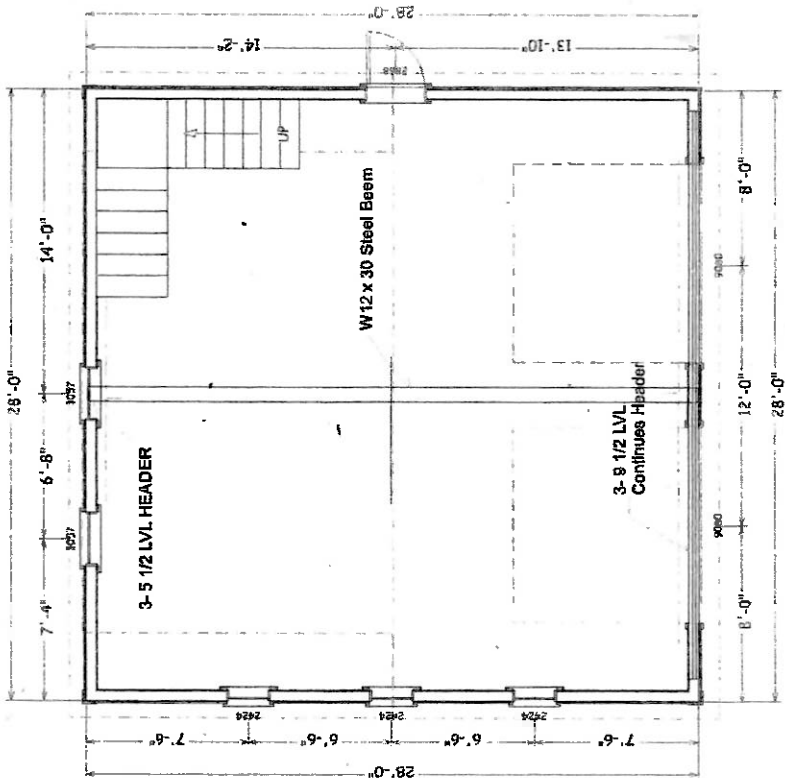
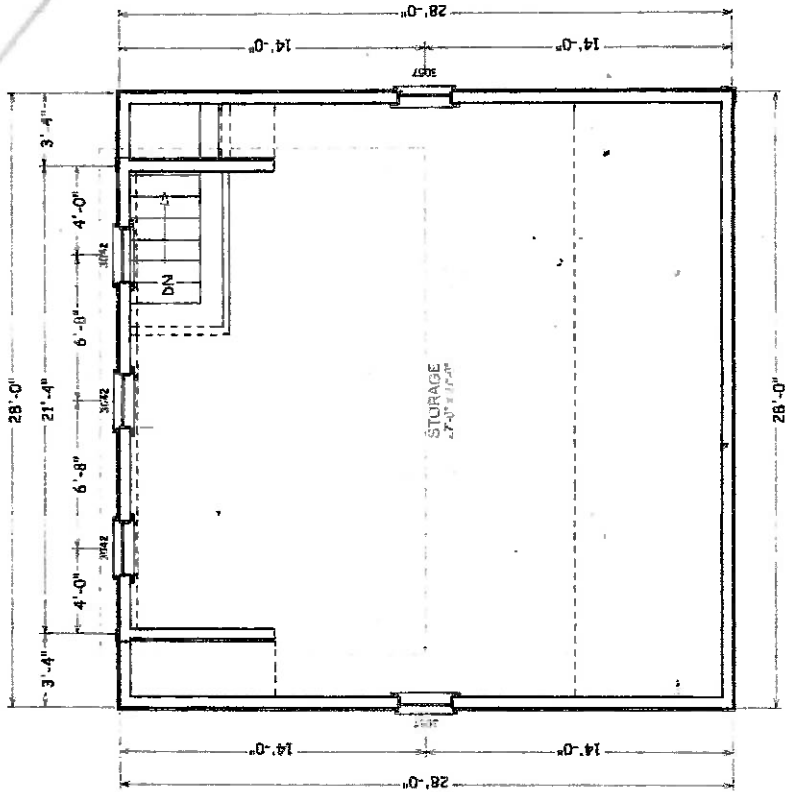


These are the latest drawings from CAVE Corp



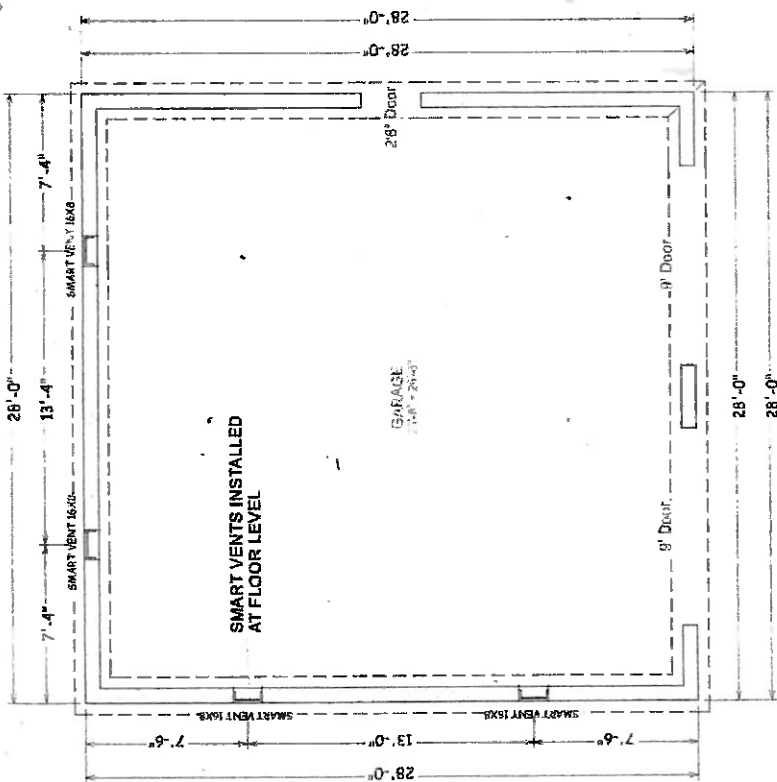
CUSTOMER	Steve Ramsay 120 Pinehurst Dr. Wareham Ma		
	LOCATION	120 Pinehurst Dr. Wareham	Date 11/20/11
Cave Corp.		Scale	PAGE

11/20 FROM CAVE
MOST APPROVED

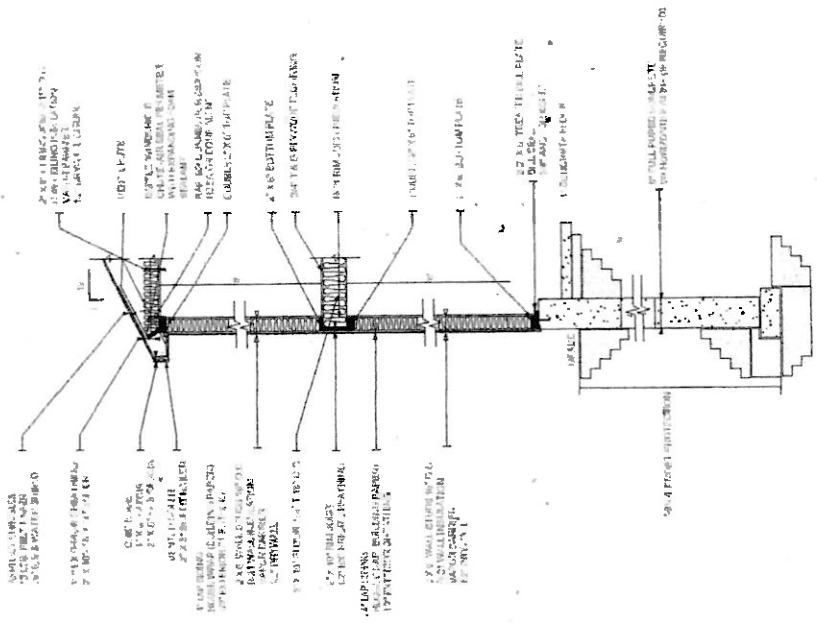
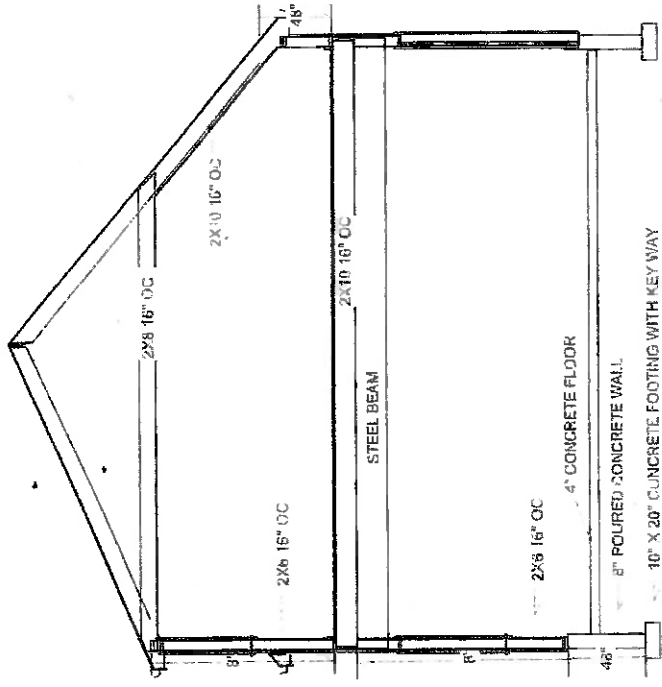


CUSTOMER	Steve Ramsay 120 Pinehurst Dr. Wareham Ma		
LOCATION	120 Pinehurst Dr. Wareham		
	Scale	Date	PAGE
	1/4"=1'	REVISED 11/20/20	2

Cove Corp
P O Box 1482
Middleboro Ma 02346



48" x 8" Poured Concrete Wall
 20" x 10" Poured Concrete Footing
 5/8" J bolts 16" OC
 3x3 Wchairs



CUSTOMER	Steve Ramsay 120 Pinehurst Dr. Wareham Ma		
	LOCATION	120 Pinehurst Dr. Wareham	
Scale	Date	PAGE	4 / 01 / 11
			REVISED