

*** Electronic Recording ***

Doc#: 00845047

Bk: 00321 Pg: 36 Cert: 64236

Rec Date: 08/23/2023 02:31 PM

Also Noted On:

ATTEST: John R. Buckley, Jr. Register

Plymouth County Registry of Deeds

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 26-23
Book: 0321 Page: 0036
Date: July 12, 2023

Certificate of Granting of Special Permit/ Variance
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Wareham hereby certifies that a Variance has been granted:

To: Bolla Ferreira and Manuel Ferreira

Address: PO Box 488


City or Town: Fairton, MA 02780

Affecting the rights of the owner with respect to land or buildings at 17 Murphy Street, Assessor's Map 50B Lot 1-41

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Variance and that copies of said decision, and of all plans referred to in the decision, have been filed with the ZBA, Conservation Commission, and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of the registered decision shall be returned to the Board of Appeals as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court of Land and Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT within twenty (20) days of the date of filing of this decision.



Chairman

Clerk

Certificate of Title No. 64236

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40 A of the Massachusetts General Laws.


Town Clerk

AUG 22, 2023

TOWN OF WAREHAM
Board of Appeals
CLERK'S RECORD OF NOTIFICATION

No. 26-23

Petition of: Scott Green

Location of Property: 17 Murphy Street, Warcham, MA

Date of Notification of Hearing: June 22, 2023 & June 29, 2023

Date of Hearing: July 12, 2023

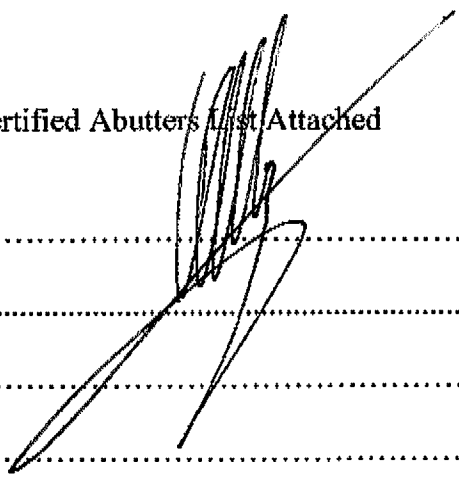
Date of Notification of Decision: July 13, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40 A of the Massachusetts General Laws.



Debra A. Nemo
Town Clerk

Board of Appeals

AUG 12 2023

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 26-23

Applicant: Scott Green

Owner: Bella Ferreira and Manuel Ferreira

Owner Address: P.O. Box 488, Taunton, MA 02780

Subject Property Address: 17 Murphy Street, Wareham, MA

Subject Property Parcel ID: Map 50B Lot 1-41

Date of Public Hearing: July 12, 2023

Date of Notice: July 13, 2023

Decision/Reason:

The Zoning Board of Appeals voted (4-0-0) to grant a Variance for a minimum 7.1 foot front yard setback for the proposed building at 17 Murphy Street, Wareham MA (Assessors Map 50B, Lot 1-41). The Building Commissioner noted in a May 8, 2023, Denial Letter that the minimum front set back is 20 feet in MR-30 per the Wareham Zoning By-Laws. The petitioner sought relief from the decision to the Board of Appeals accordingly.

Variance from the Minimum Front Setback in Zoning District R-30:

As for the statutory requirements, this lot is unique in that it is situated on the waterfront and the lot is surrounded by protected wetlands. The petitioner had previously been granted a Variance for minimum lot size on the property. Then he proceeded to the Conservation Commission which approved the building but wanted the building further away from the coastal dunes and outside the 'no touch' conservation buffer zone. The Board heard evidence in the form of testimony through the petitioner's counsel that the variance from the front yard setback was due to the difficulty created by the topography and location of wetlands on the lot.

The Board found that the literal enforcement of the bylaw would make the property unbuildable and create financial hardship for the petitioner and the owner. The change in the setback would not affect access to the beach which was the concern of the abutters. The proposed building actually will help define this access to the beach.

The granting of this Variance keeps with the character of the neighborhood and other waterfront homes in this area. Most of these homes were similar to this 1950s cottage and were latter developed for owners who were looking to have full time residence down in this picturesque area.

Moreover, granting the Petitioner the relief being requests in no way derogates from the intent of the Zoning By-Law. The build is in keeping with the character of the neighborhood.

The Board heard evidence from the owner, the developer of the project and their legal counsel, and abutters. All things considered the Board found this Variance would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By-Law.

The granting of this Variance is pursuant to Wareham Zoning By-Law, Article 14 and MGL Chapter 40A section 10 and is subject to the following conditions:

Conditions:

1. Any relief not expressly granted hereunder is hereby denied.
2. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and must bear the certification of the Town Clerk that twenty (20) days have elapsed, and no appeal have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board of Appeals.

- 3. If substantial use or construction permitted by this Variance has not commenced within One year from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire & the amount of time required to pursue and await the determination of any such appeal, then this Special Permit shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit/ Variance does so at the risk that a court may reverse the permit & any construction performed under the permit may be ordered undone.**
- 4. Any person aggrieved by this decision of the Zoning Board of Appeals may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk will so certify.**
- 5. If the applicant wishes to modify the approved recorded plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for approval shall apply to such modification and a public hearing shall be required by the ZBA; provided, however, that the ZBA may determine that a proposed modification is insubstantial and approve the same with the need for any further ZBA approval.**

VOTE: (4-0-0) By the Warcham Zoning Board of Appeals

TOWN OF WAREHAM ABUTTERS
 MAP 50/B LOT 1-41
 OWNER BELLA FERREIRA

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
50A-0-1	ARSENIAULT MARGARET TRS	7 MOORE AVE	WORCESTER, MA	01602
50A-0-120	FRAGA MARIA O,	15 GREG RD,	STOUGHTON, MA	02072
50A-0-122	CARLSON LESLIE B TRUSTEES	55 PLEASANT ST,	WAREHAM, MA	02571
50A-0-123	MENDEZ ANTHONY,	46 CHARTER ST,	BOSTON, MA	02113
50A-0-124	MASTRONANNI ANTONIO, MASTROIANNI MARIA A TRUSTEES	36 ADAMS AVE,	W NEWTON, MA	02458
50A-0-125	RIUO LAURA	12 BALDWIN PLACE,	BRIGHTON, MA	02135
50A-0-127	MITRANO ERASMO G, MITRANO LISA TRUSTEES	40 WASHINGTON TERR,	SOMERVILLE, MA	02143
50A-0-14	YAKAUS RICHARD J,	69 RIVER ST,	HUDSON, MA	01749
50A-0-149	ZUTAUT CHARLENE M,	16 GRANT ST,	PLYMOUTH, MA	02360
50A-0-15	BERRY PATRICIA E TRUSTEE, C/O LINCOLN BERRY	396 MARLBOROUGH ST, #3,	BOSTON, MA	02115
50A-0-150	DISTASO NICHOLAS, DISTASO JUDY ANN TRUSTEE	30 WENFIELD ST,	NORWOOD, MA	02062
50A-0-151	PERRONE GIANNINO, PERRONE ADUA LIFE ESTATE	6 SUNNYSIDE AVE,	SOMERVILLE, MA	02145
50A-0-152.A	ALMEIDA MICHAEL BREER LISA	25 A BARNES ST,	WAREHAM, MA	02571
50A-0-152.B	FISHER DANIELLE,	25 B BARNES DR,	WAREHAM, MA	02571
50A-0-18	DEPEDRO DENISE R TRUSTEE OF, 18 WANKINCO AVENUE REALTY TR C/O DIANE PADULA	23 SPRUCE POND RD,	FRANKLIN, MA	02038
50A-0-19.B	WONG HING F, WONG HAU LIFE ESTATE	17 ORANGE ST,	ROSLINDALE, MA	02131
50A-0-2	VENDETTI JOSEPH L JR, VENDETTI CYNTHIA A	20 WANKINQUOAH AVE,	WAREHAM, MA	02571
50A-0-23.A	MULLEN PATRICIA J, MULLEN JOHN J LIFE ESTATE	PO BOX 3335,	WAREHAM, MA	02571
50A-0-23.B	PETRUCCI ANTHONY J, PETRUCCI ROSA	PO BOX 242,	S EASTON, MA	02375
50A-0-25	BERRY PATRICIA E TRUSTEE, C/O LINCOLN BERRY	396 MARLBOROUGH ST #3,	BOSTON, MA	02115
50A-0-26.A	FICHENHOLZ ELLIOTT, CRISCI MARIE ANN	11 OSWABERRY DR,	FRANKLIN, MA	02038
50A-0-26.B	COTELESSO RALPH M, LIFE ESTATE	12 WILTON ST,	HYDE PARK, MA	02136
50A-0-27	VENTURA DAVID,	50 WANKINQUOAH AVE,	WAREHAM, MA	02571
50A-0-28.A	BUENO MIGUELA + RUFO-BUENO MARIA	17 HAZELHURST AVE	W NEWTON, MA	02465
50A-0-5.A	DEPEDRO DENISE PADULA TRUSTEE, OASIS REALTY TRUST	350 LINCOLN ST,	FRANKLIN, MA	02038
50A-0-6.A	KING JAMES E, KING SUSAN M	36 THAYER AVE	W BRIDGEWATER, MA	02379
50A-0-6.B	RUMBOLT STEVEN B, RUMBOLT ROBI R I	79 BRAYVIEW ST,	WAREHAM, MA	02571
50A-0-73	GALELLA MICHAEL A, GALELLA LYNDAS	50 PALMARB DR,	FAIRFIELD, CT	06825
50A-0-A1	MULLEN PATRICIA J, MULLEN JOHN J LIFE ESTATE	90 BOX 3335,	WAREHAM, MA	02571
50A-0-A2	HURD GORDON B, WALSH-HURD PATRICIA A	5054 BARRINGTON CIRCLE,	SARASOTA, FL	34234
50A-0-C8	VENDETTI JOSEPH L JR, VENDETTI CYNTHIA A	20 WANKINQUOAH AVE,	WAREHAM, MA	02571
50B-1-41	FERREIRA BELLA,	PO BOX 488,	TAUNTON, MA	02780

CERTIFIED ABUTTERS AS THEY APPEAR
 ON OUR TAX MAPS AS OF 6/5/2023
Cy. Renee O'Brien
 ASSESSORS OFFICE

REQUESTED BY CHERYL
 508-295-2522
 CHERYL@MORTONLAWLLC.COM