

ZBA 20-23

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 \$100.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 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: 25 OAK STREET LOT: T-25 MAP: 39
 ZONING DISTRICT: R30
 USE REQUESTED: RESIDENTIAL
 OWNER OF LAND & BUILDING: PAUL + DONNA SOMERS TEL.# 508-791-2419
 ADDRESS OF OWNER: 6 OAK TERRACE, WAREHAM, MA. 02571
 PERSON(S) WHO WILL UTILIZE PERMIT: PAUL G. SOMERS
 ADDRESS: 6 OAK TERRACE WAREHAM, MA. 02571
 DATE: 4/12/23 SIGNATURE: Paul G. Somers

This application was received on the date stamped here:

Town Clerk: _____ Date: _____
 ✓ Tax Collector: [Signature] Date: 5/1/23
 Planning/Zoning Dept.: [Signature] Date: 5.8.23
 Application fee paid: 300.00 Check #: 2761 Receipt: _____
 Advertising fee paid: 150.00 Check # 2765 Receipt: _____
 Abutters fee paid: 111.00 Check # 2764 Receipt: _____

WAREHAM TOWN CLERK
2023 MAY 10 PM 4:24

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: PAUL G. SOMERS

Applicant's Address: 6 OAK TERRACE, WAREHAM, MA 02571

Telephone Number: 508-291-2419

Cell Phone Number: _____

Email Address: PGS997@YAHOO.COM

Address of Property/Project: 25 OAK STREET, WAREHAM, MA, 02571

Landowner's Name: PAUL G. SOMERS

Owner's Address: 6 OAK TERRACE, WAREHAM, MA, 02571

Telephone Number: 508-291-2419

Contact Person: PAUL SOMERS Telephone Number: 508-291-2419

Map 39 Lot T25 Zone R30

Date Approved _____ Date Denied _____

Comments: _____



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul Turner
Director of Inspectional Services

April 11, 2023

Mr. Paul G. Somers
6 Oak Terrace
Wareham, Massachusetts 02571

RE: 25 Oak Street / Map 39, Lot T25

Mr. Somers,

I have reviewed your Building Permit application B-23-209, submitted April 9, 2023 with a description of work stating "adding second floor addition to existing dwelling." located at 25 Oak Street, Wareham, Massachusetts. At this time I must deny your request.

Your application is being denied under the following section of the Wareham Zoning By-Laws:

Article 6 Density and Dimensional Regulations;

**628 Dimensional Standards for Existing Small Lots,
Lawfully Existing Lots in Residential Districts,
Category 2. Floor Area Ratio (F.A.R.), 25%.**

The current floor area ratio is approximately 17%. The ratio is determined by dividing the total, or gross, floor area of the building by the gross area of the lot. The calculated ratio is approximately 33% after the build out, therefore, a **Variance** must be secured from the Zoning Board of Appeals in order to proceed with your application.

The subject dwelling is located in **R30** zoning district.

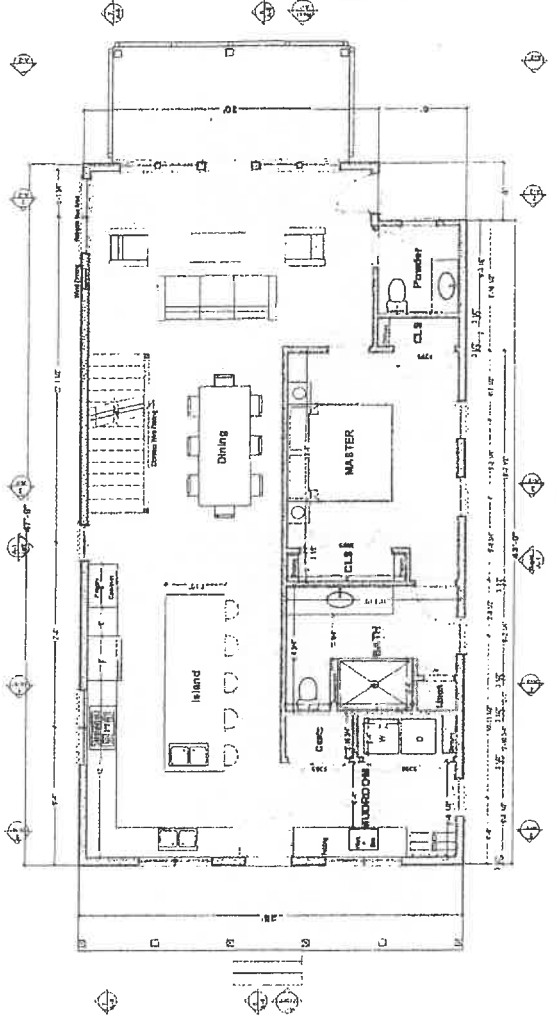
Respectfully,

Paul E. Turner
Building Commissioner
Zoning Enforcement Officer

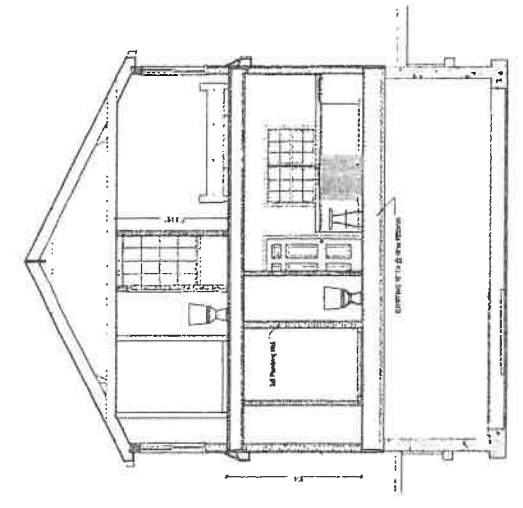
It is the owners' responsibility to check with other departments to ensure full compliance.

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 receipt of this letter.

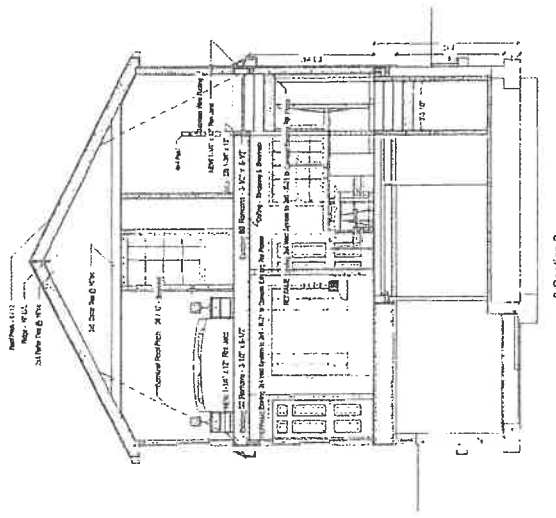
TOWN OF WAREHAM ABUTTERS				
MAP 39 LOT T25				
OWNER PAUL G & DONNA J SOMERS				
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
39-0-M15	MCCRACKEN SARAH M, BOWMAN KENNETH R	4 OAK ST,	WAREHAM, MA	02571
39-0-M16.A	SOLBERG OTTO F, SOLBERG DEBORAH J	8 OAK ST,	WAREHAM, MA	02571
39-0-M16.B	VEIRA EDWARD M, TRUSTEE	10 OAK STREET, TEMPEST KNOB,	WAREHAM, MA	02571
39-0-M17.A	DARGON JAMES F, DARGON ANN M	12 OAK ST,	WAREHAM, MA	02571
39-0-M17.B	BROGIOLI DAVID J, BROGIOLI TRICIA MARIE	14 OAK ST,	WAREHAM, MA	02571
39-0-T23	TOBIA MICHAEL W,	21 OAK ST,	WAREHAM, MA	02571
39-0-T24	SIMMLER JAMES R, SIMMLER KATHERINE A	68 NO MAIN ST,	NO GRAFTON, MA	01536
39-0-T25	SOMERS PAUL G, SOMERS DONNA J	6 OAK TER,	WAREHAM, MA	02571
39-0-T26	NGUYEN DIEMTIEN, UONG TUAN	236 E FOXBORO ST,	SHARON, MA	02067
39-0-T27	VAN DER WAL JOHANNES III, & ERIC G TRUSTEES	29 OAK ST	WAREHAM, MA	02571
CERTIFIED ABUTTERS AS THEY APPEAR				
ON OUR TAX ROLLS AS OF 4/13/2023				
<i>W. Ronnie Atkins</i>				
ASSESSORS OFFICE				
REQUESTED BY				
PAUL SOMERS				
508 291-2419				
PGS997@YAHOO.COM				



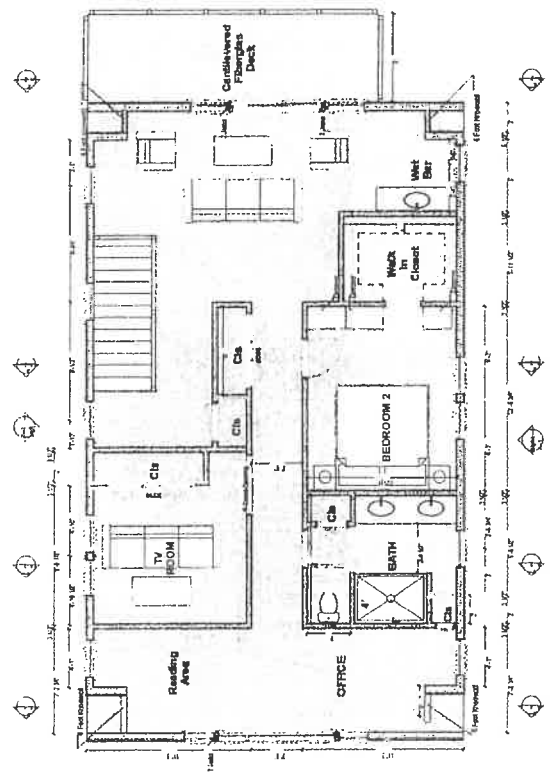
First Floor
 SCALE: 1/4" = 1'-0"



Section 4
 SCALE: 1/4" = 1'-0"

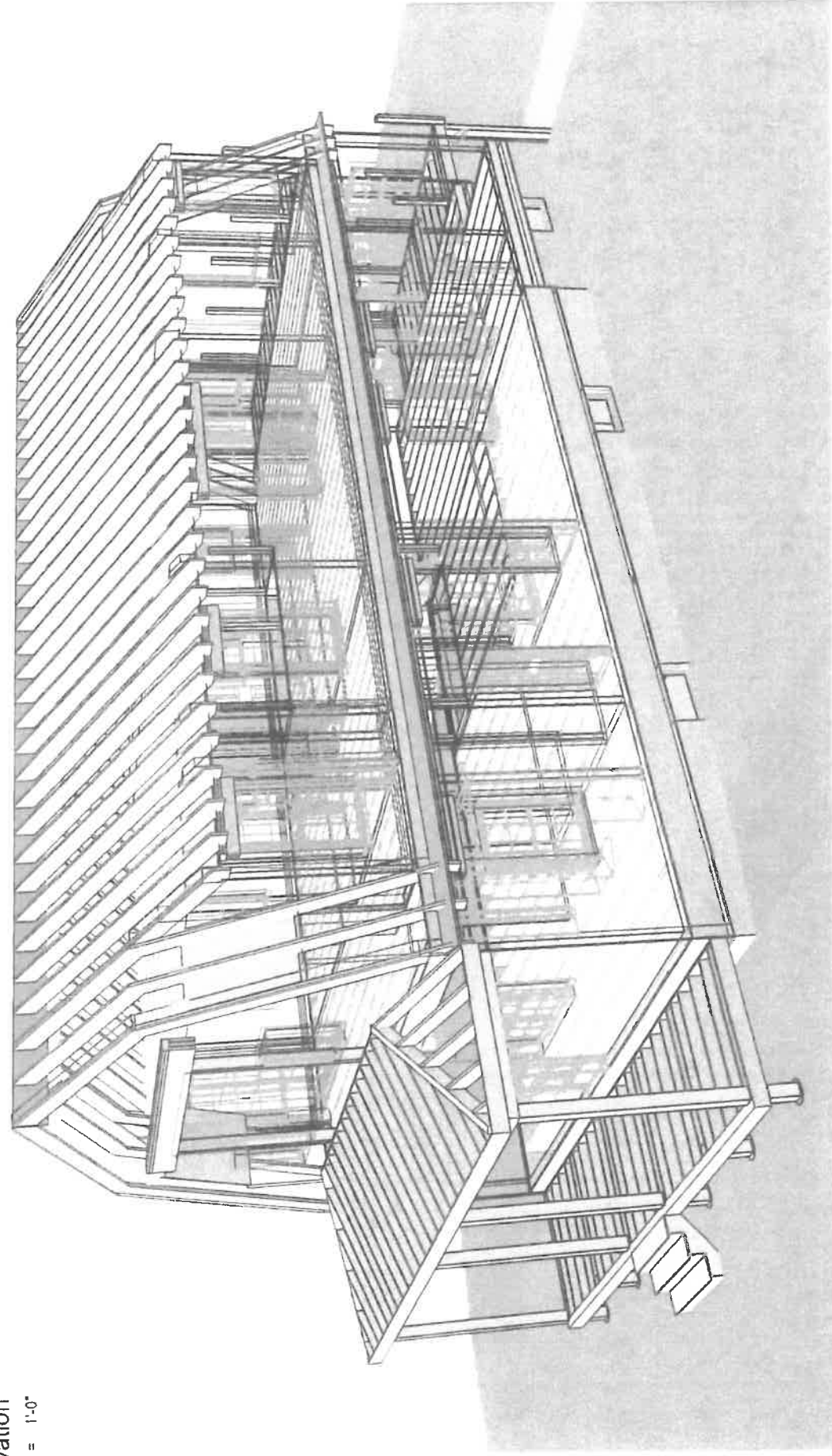


Section 3
 SCALE: 1/4" = 1'-0"



Second Floor
 SCALE: 1/4" = 1'-0"

Left Elevation
SCALE 1/4" = 1'-0"





THIS MAP IS FOR ASSESSMENT PURPOSES ONLY. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONFORMANCE WITH THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM. THIS IS A DIGITAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM. THIS IS A DIGITAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM. THIS IS A DIGITAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM. THIS IS A DIGITAL DATUM IS THE MASSACHUSETTS STATE PLANE COORDINATE SYSTEM.

REVISED & REPRINTED BY
CAI Technologies
 11 Pleasant Street, Wareham, MA 02561
 508.898.8888
www.cai-tech.com

LEGEND

- RECORD BOUNDARY
- SUBDIVISION
- WATER
- COMMON OWNERSHIP
- SETBACKS

REPT. SCALE: 1" = 200'
 0 50 100 150 200
 FEET
 REVISED TO: JANUARY, 2020



PROPERTY MAPS
WAREHAM
 MASSACHUSETTS

MAP NO.
39

PROPERTY ADDRESS: 25 Oak Street, Wareham, Massachusetts 02571



2018 00044091

Bk: 49896 Pg: 48 Page: 1 of 7
Recorded: 06/08/2018 01:56 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

CANCELLED

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 06/08/2018 01:56 PM
Ctrl# 114003 10917 Doc# 00044091
Fee: \$1,755.60 Cons: \$385,000.00

QUITCLAIM DEED

WE, **CONCETTA ATWOOD**, being unmarried, of 112 Saint Phillips Row, Somerville, South Carolina 09485, **MARGIE GANDOLFI**, being unmarried, of 7002 Kennedy Blvd E. Apt. 26H, Guttenberg, New Jersey, 07093, **MARIE E. GANDOLFI**, being unmarried, of 58 Old Essex Road, Manchester-by-the-Sea, Massachusetts, and **LARRAINE GANDOLFI**, being married, of 201 North Street, Upton, Massachusetts 01568

for consideration paid and in full consideration of **THREE HUNDRED EIGHTY-FIVE THOUSAND AND 00/100 DOLLARS (\$385,000.00)**

Grant to **PAUL G. SOMERS** and **DONNA J. SOMERS**, Husband and Wife, as Tenants by the Entirety, of 25 Oak Street, Wareham, Massachusetts 02571

WITH QUITCLAIM COVENANTS,

A certain lot or parcel of land together with any buildings thereon in Wareham, Plymouth County, Massachusetts, at Tempest Knob Terrace, so called, and being Lot No. 25 as shown 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. and recorded with Plymouth County Registry of Deeds. Said Lot is situated on the westerly side of Terrace Road and is bounded and described as follows:

Beginning at a stake on the westerly side of said road, at a corner of Lot #26 as shown on said plan, and running thence southwesterly by Lot #26 to a stake near the beach; thence northwesterly in line of beach 50 feet more or less, to a stake in line of Lot #24, as shown on said plan; thence northeasterly by Lot #24 to said Terrace Road; thence southeasterly by said Terrace Road 50 feet to point of beginning.

Please return to:

~~Paul Somers
Donna Somers
25 Oak Street
Wareham, MA 02571~~

Said premises are conveyed together with all rights and subject to all restrictions as mentioned in deed to William A. Wood, et ux. from Mary Mullen, dated July 1, 1939, recorded at Plymouth County Registry of Deeds in Book 1771, Page 130.

Grantors hereby release any and all homestead rights to the within premises, whether created by declaration or operation of law, and further state, under the pains and penalties of perjury, that there are no other persons entitled to homestead rights to the property being conveyed herein.

Carol K. Bard, spouse of Lorraine Gandolfi joins this deed for the purpose of releasing any and all rights of homestead to the within premises.

For GRANTORS' title see deed dated July 19, 2017, recorded with the Plymouth County Registry of Deeds in Book 48754, Page 46.

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EXECUTED as a sealed instrument this 1 day of June, 2018.

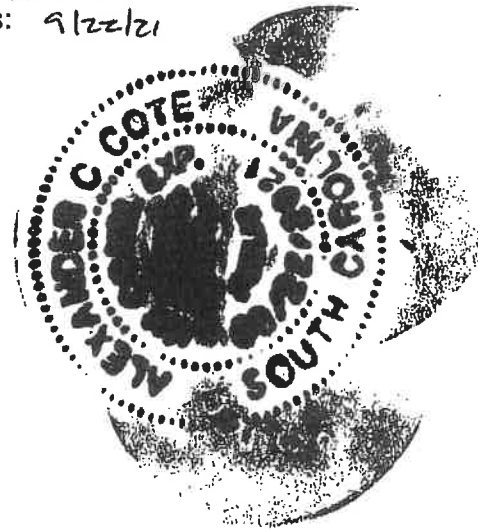
Concetta Atwood
Concetta Atwood

~~COMMONWEALTH OF MASSACHUSETTS~~ ^{SC}

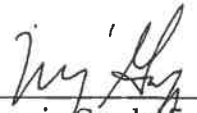
Dorchester County, SS

On this 1 day of JUNE, 2018, before me, the undersigned notary public, personally appeared Concetta Atwood, proved to me through satisfactory evidence of identification, which was SC DL 101537011 to be the person whose name is signed on the attached document, and who swore or affirmed to me under the penalties of perjury that the contents of said document are truthful and accurate to the best of her knowledge and belief and acknowledged to me that she signed it voluntarily for its stated purposes.

Alex Cote
Notary Public: Alex Cote
My commission expires: 9/22/21



EXECUTED as a sealed instrument this 3rd day of June, 2018.

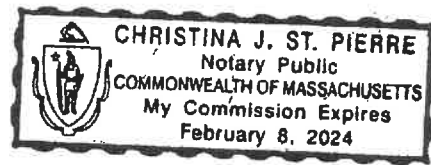


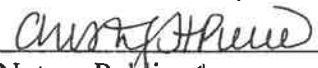
Margie Gandolfi

COMMONWEALTH OF MASSACHUSETTS

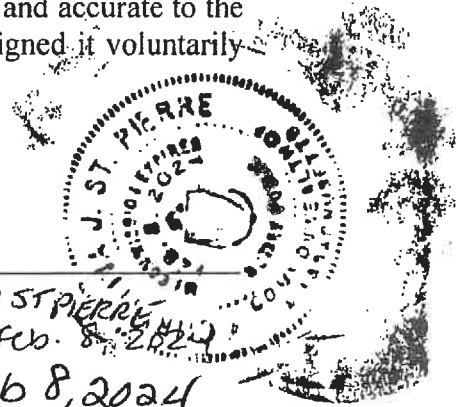
Essex, ss

On this 5th day of June, 2018, before me, the undersigned notary public, personally appeared Margie Gandolfi, proved to me through satisfactory evidence of identification, which was NJ Drivers License to be the person whose name is signed on the attached document, and who swore or affirmed to me under the penalties of perjury that the contents of said document are truthful and accurate to the best of her knowledge and belief and acknowledged to me that she signed it voluntarily for its stated purposes.





Notary Public: CHRISTINA ST PIERRE
My commission expires: Feb. 8, 2024
Feb 8, 2024



EXECUTED as a sealed instrument this 5 day of June, 2018.

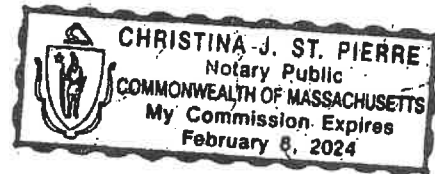
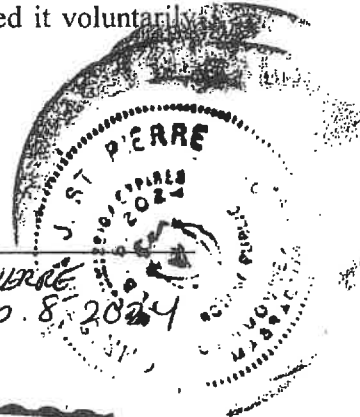
Marie E. Gandolfi
Marie E. Gandolfi

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this 5th day of June, 2018, before me, the undersigned notary public, personally appeared Marie E. Gandolfi, proved to me through satisfactory evidence of identification, which was MA Drivers License to be the person whose name is signed on the attached document, and who swore or affirmed to me under the penalties of perjury that the contents of said document are truthful and accurate to the best of her knowledge and belief and acknowledged to me that she signed it voluntarily for its stated purposes.

Christina St Pierre
Notary Public: CHRISTINA ST PIERRE
My commission expires: Feb. 8, 2024



COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this 1st day of June, 2018, before me, the undersigned notary public, personally appeared Carol K. Bard, proved to me through satisfactory evidence of identification, which was MASSACHUSETTS DRIVER LICENSE to be the person whose name is signed on the attached document, and who swore or affirmed to me under the penalties of perjury that the contents of said document are truthful and accurate to the best of her knowledge and belief and acknowledged to me that she signed it voluntarily for its stated purposes.



John J. O'Neil, Jr.
Notary Public:
My commission expires:



12-28-18



ZBA 20-23

**F. W. Westgate & Associates
Surveyors – Engineers – Planners
34 Church Avenue Unit E12
Wareham, MA 02571
(508) 295-8200**

May 1, 2023

Zoning Board of Appeals
Wareham Town Hall
Wareham, MA 02571

**RE: Variance Application
25 Oak Street**

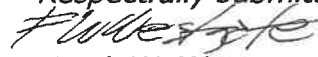
Dear Board Members:

Attached please find a completed application to accompany a request for a VARIANCE in order to reconstruct the existing dwelling at the above property ... along with the following plans and documents:

Building Department Letter of Denial. (1 page)
Application for Public Hearing. (1 page)
Applicant/Contractor/Representative Information Sheet (1 page)
Certified Site Plan depicting existing conditions. (1 page)
Architectural Drawings showing proposed renovations. (2 pages)
Assessor Map depicting locus. (1 page)
Certified Abutters List. (2 pages)
Copy of Deed. (5 pages)
ConCom Order of Conditions. (11 pages)
Photo of Existing Dwelling. (1 page)
Checks: Town of Wareham for \$300 & \$111 ... Wareham Weekly for \$150.

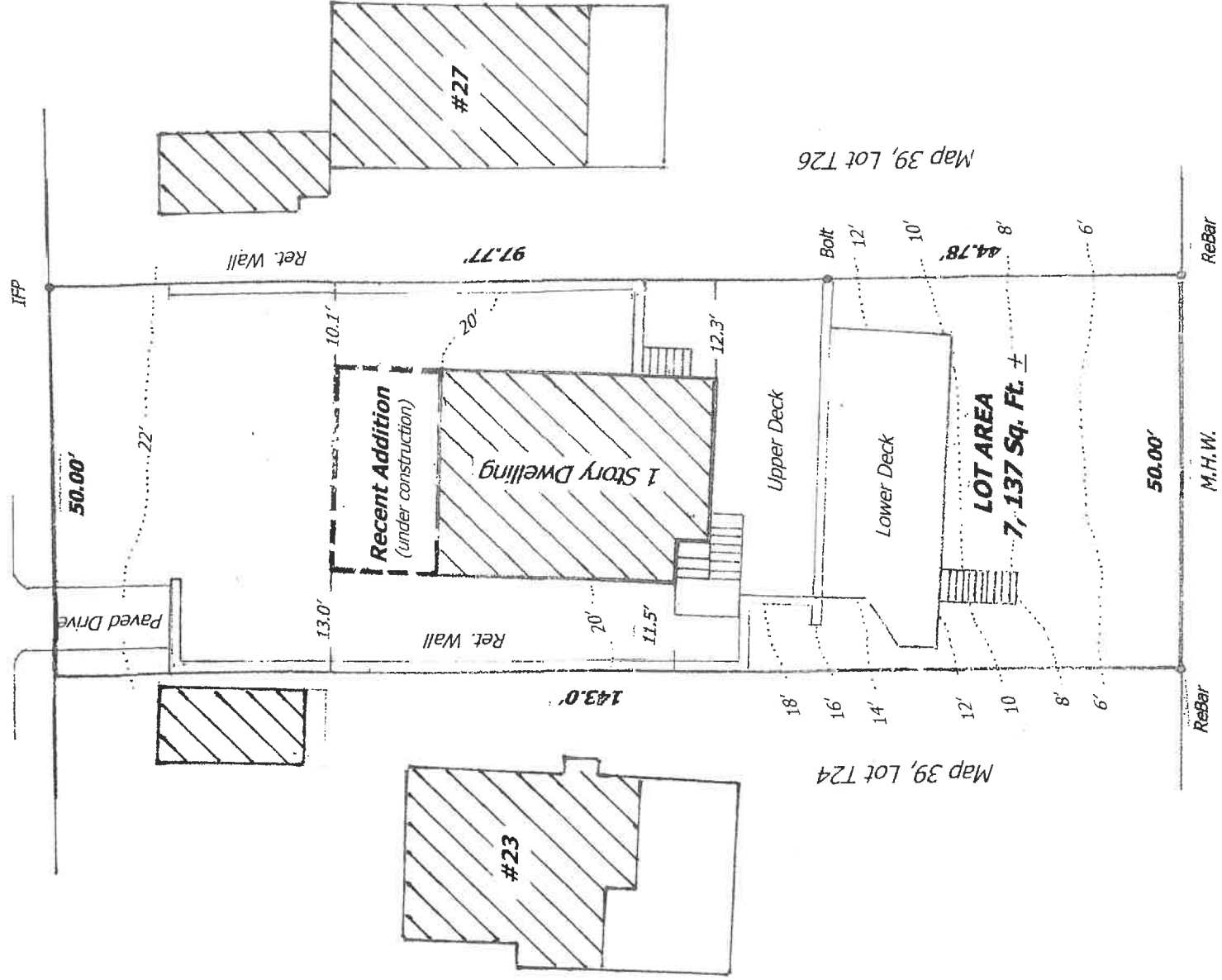
The existing single story dwelling was undergoing demolition in order to renovate to form 2 stories when the Conservation Commission halted construction and required a Notice of Intent filing. The Order of Conditions are included with this application. See Note on the Certified Site Plan pertaining to structural footprint limits.

Respectfully submitted,


Frank W. Westgate

Copy: Paul Somers

Oak Street (PUBLIC)



Structural Coverage Calculations

Dwelling	1125 SF
Deck	1071 SF
Stairs	130 SF
Ret Wall	206 SF
Total	2532 SF
Lot Area	7137 SF
Coverage	35.48 %

Wareham River

NOTE
 This plan depicts the existing single story dwelling which is to be rebuilt with 2 stories including overhanging decks on both the 1st and 2nd floors. This new footprint will not increase the overall coverage of 2,532 S.F. See architectural drawings showing proposed renovations.

Certified Site Plan to accompany Application for Variance

**25 Oak Street
 Wareham, Massachusetts**
 Assessor Map 39, Lot T25 Zoning District R-30
 Owner/Applicant
Paul G. Somers

Scale 1" = 20'
 April 24, 2023
 from the office of

F.W. Westgate & Associates
 Surveyors - Engineers - Land Planners
 34 Church Avenue Wareham, MA 02571
 (508) 295-8200 (774) 608-0074



Frank J. Gallagher

I certify that this plan was prepared from an instrument survey and that the structures are located on the ground as depicted.

