



GRADY CONSULTING, L.L.C.

Civil Engineers ♦ Land Surveyors ♦ Landscape Architects

August 15, 2023

Zoning Board of Appeals
54 Marion Road
Wareham, MA 02571

RE: Request for Variance – 34 Briarwood Drive – Assessors Lot 53-211
Applicant – David Regan

Dear Board Members:

On behalf of the applicant, we hereby submit this application for the request of a variance from the provisions of the Zoning By-Laws at the above referenced address. The applicant requests to construct an attached garage on a Pre-existing Non-conforming dwelling. Enclosed please find the following:

1. One (1) original application + Eight (8) Copies of Petition application.
2. Nine (9) copies of the record Deed.
3. Nine (9) copies of the project Narrative
4. Nine (9) copies of the Plot Plan for Addition dated June 5, 2023.
5. Check for \$300 application fee payable to Town of Wareham.
6. Check for \$100 legal ad fee payable to Wareham Week.
7. One (1) original + Eight (8) copies of the Certified abutter list for abutters within 300'.

If you have any questions please do not hesitate to call.

Sincerely,

GRADY CONSULTING, L.L.C.

Dillon Brady
Project Designer

Enc.
David Regan
34 Briarwood Drive
Wareham, MA 02571

\\GC-DCFS\JobData\2022\22-628\ZBA\Special Permit Request - ZBA.docx

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: #34 BRIARWOOD DRIVE ^{MAP} LOT: 53 ^{LOT} MAP: 211

ZONING DISTRICT: RESIDENTIAL 30

USE REQUESTED: VARIANCE

OWNER OF LAND & BUILDING: DAVID REGAN TEL.# _____

ADDRESS OF OWNER: #34 BRIARWOOD DRIVE

PERSON(S) WHO WILL UTILIZE PERMIT: DAVID REGAN

ADDRESS: #34 BRIARWOOD DRIVE

DATE: JULY 31, 2023 SIGNATURE: [Signature] (DILLON BRADY - BRADY CONSULTING LLC.)

This application was received on the date stamped here:

Town Clerk: _____ Date: _____

Tax Collector: [Signature] Date: 8-31-23

Planning/Zoning Dept.: Joma Raposo Date: 8-31-23

Application fee paid: 300.00 Check #: 11088 Receipt: _____

Advertising fee paid: 150.00 Check #: 11134 Receipt: _____

Abutters fee paid: 232.80 Check #: 11135 Receipt: _____

WAREHAM TOWN CLERK
2023 AUG 31 PM 3:41

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: DAVID REGAN

Applicant's Address: 34 BRIARWOOD DRIVE

Telephone Number: _____

Cell Phone Number: _____

Email Address: SAWRD@COMCAST.NET

Address of Property/Project: 34 BRIARWOOD DRIVE

Landowner's Name: DAVID REGAN

Owner's Address: _____

Telephone Number: _____

Contact Person: DILLON BRADY (GRAND CONSULTANT) Telephone Number: 781-585-2300

Map 53 Lot 211 Zone RESIDENTIAL 30

Date Approved _____ Date Denied _____

Comments: _____

Narrative

The applicant and owner, David Regan, is submitting a request for a variance from the Zoning Board of Appeals. The subject site is #34 Briarwood Drive. The existing lot has a dwelling as well as a detached accessory building. The project scope includes the construction of a 26' x 24' garage on the west side of the existing dwelling. The existing dwelling is pre-existing nonconforming to the current Residential 30 zoning district setback requirements. The existing front yard setback is 13.9' to the existing dwelling and the existing side yard setback is 3.6' to the accessory building. As proposed, the garage front yard setback will be 13.2' and the side yard setback will be 6.6'. The proposed work meets the 4 requirements of the M.G.L. ch.40A, Section 10 as following:

a. Owing the circumstances relating to soil conditions, shape, or topography of the petitioner's land or structure(s) and especially affecting such land or structure(s), but not affecting generally the zoning district in which it is located, a literal enforcement of the Wareham Zoning Bylaws (failure to grant the Variance) would prevent use of the land as zoned. (Hardship)

The topography of the lot warrants a variance. The lot has a salt marsh surrounding it on the north and east side. The buffer zone stretches over most of the lot. To put the garage anywhere else on the lot than where proposed would place it in the buffer zone. Therefore, the location of the garage best conforms with Conservation By-Laws and mitigates work in the resource area. Therefore, the topography of the lot does not leave other options without involving substantial hardship to the petitioner.

b. The Variance may be granted without detriment to the public good.

The proposed garage is further from the side setback than the existing accessory building on the lot, so no proposed work is getting closer to an abutter's side property line. The front setback is minimal; only increasing by 0.7'. The proposed work is appropriate for a residential lot.

c. The Variance may be granted without nullifying or substantially derogating from the intent or purpose of the Wareham Zoning Bylaws.

The proposed garage is further from the side setback than the existing accessory building on the lot, so no proposed work is getting closer to an abutter's property line. The front setback is minimal; only increasing by 0.7'. The setback increase from the existing building on the lot is minimal and does not substantially derogate from the Zoning Bylaw's intent.

d. Uniqueness.

The lot has a salt marsh surrounding it on the north and east side. The buffer zone stretches over most of the lot. The lot does not leave other options without involving substantial hardship to the petitioner.

[Home](#) » [Departments](#) » [Assessing Department](#) » [Abutter Request Form - Online](#) » [Webform results](#)

Submission #186

[View](#) [Delete](#)

[Previous submission](#) [Next submission](#)

[Print](#) [Resend e-mails](#)

Submission information

Form: [Abutter Request Form - Online](#)
Submitted by Anonymous (not verified)
July 31, 2023 - 8:34am
173.76.188.23

Contact Information

Dillon Brady - Grady Consulting, LLC

Phone Number:

781-585-2300

Email Address:

dillonb@gradyconsulting.com

Date of Request:

July 31, 2023

Owners Name:

David Regan

Property Location:

34 Briarwood Drive

Map/Lot

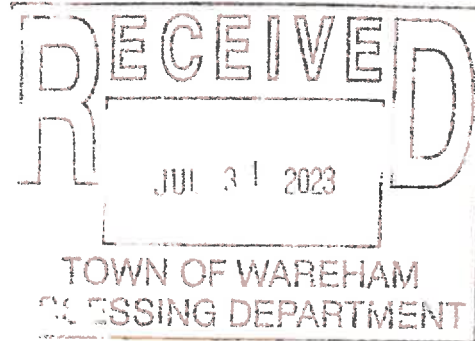
53-211

Distance Required

300'

Which Board are you appearing before?

Zoning

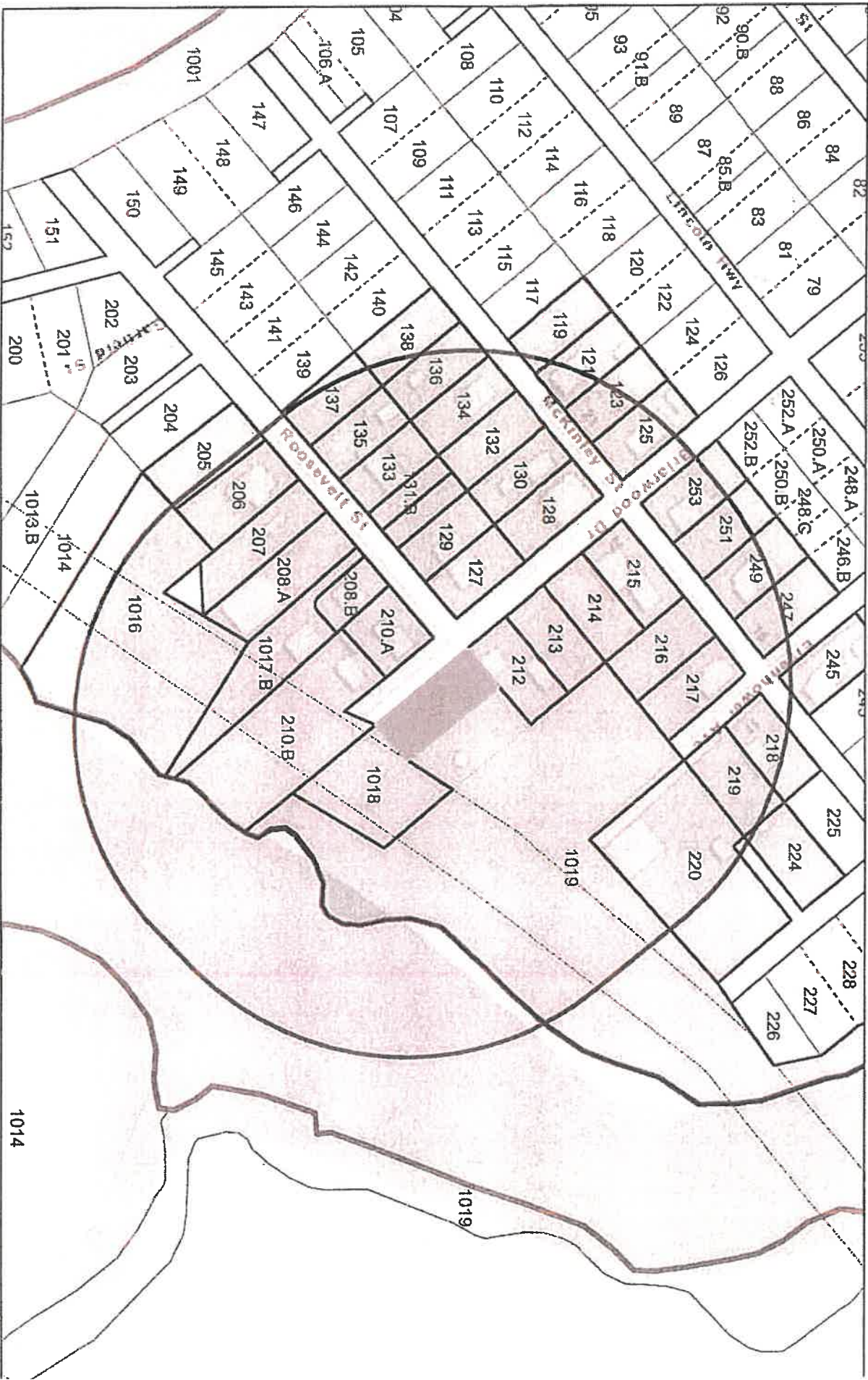


[Previous submission](#) [Next submission](#)

36-23

TOWN OF WAREHAM ABUTTERS					
MAP 53 LOT 211					
OWNERS DAVID & ANDREA L REGAN					
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE	
53-0-1016	CAPOZZOLI GERALD R, CAPOZZOLI PAULINE C/O NICOLE CAPOZZOLI	14 CHESTNUT ST	STOUGHTON, MA	02072	
53-0-1017.B	MANN DOUGLES SCOTT, MANN DONNA MAYBELLE	137 MAIN ST	CARVER	02380	
53-0-121	BOMBARDIER JOSEPH, BOMBARDIER KERRI B	458 BARK ST,	SWANSEA, MA	02777	
53-0-125	HICKS CYNTHIA O EYMON, HICKS ROBIN M	PO BOX 294,	ASHLAND, MA	01721	
53-0-127	MCHUGH CHARLES III, MCHUGH KAREN	1 ROOSEVELT ST	WAREHAM, MA	02571	
53-0-128	ANDREWS KENNETH	27 BRIARWOOD DR,	WAREHAM, MA	02571	
53-0-130	HALL JAMES, HALL EDUARDA M	29 GLOUCESTER ST,	ARLINGTON, MA	02476	
53-0-131.B	SPANG JAMES R LIFE ESTATE,	7 ROOSEVELT ST,	WAREHAM, MA	02571	
53-0-134	VELLUCCI ALFRED P,	26 MCKINLEY ST,	WAREHAM, MA	02571	
53-0-137	CENTOFANTI STEPHEN TRUSTEE OF, GILDA CENTOFANTI REV TRUST	115 LUNA LN,	WALTHAM, MA	02451	
53-0-138	THERIAULT JOHN E, THERIAULT CHERYL L	41 MCKINLEY ST,	WAREHAM, MA	02571	
53-0-205	RICCIARDI VICTOR, RICCIARDI CAROL ANN	25 WILLIAM ONTHANK LN,	SOUTHBOROUGH, MA	01772	
53-0-208.B	PRESTON NANCY BORDEAUX,	4 ROOSEVELT ST,	WAREHAM, MA	02571	
53-0-210.A	JASON JEAN A,	33 BRIARWOOD DR,	WAREHAM, MA	02571	
53-0-210.B	MOREIRA MARIA	237 BROCKLEMAN RD	LANCASTER, MA	01523	
53-0-211	REGAN DAVID L, REGAN ANDREA L	34 BRIARWOOD DR,	WAREHAM, MA	02571	
53-0-214	WEICHEL NICHOLAS A	26 BRIARWOOD DR,	WAREHAM, MA	02571	
53-0-216	TELLO RONALD, TELLO STEVEN F C/O MARY ANN PICHARD	24 CABOT DR	NASHUA, NH	03064	
53-0-218	CRAWFORD FAMILY REALTY TRUST,	12 CENTER VILLAGE	LYNNFIELD, MA	01940	
53-0-220	CUNEO DENISE M,	20 EISENHOWER AVE,	WAREHAM, MA	02571	
53-0-224	CRAWFORD JAMES A III,	15 SHELLEY LN,	WESTFORD, MA	01886	
53-0-242.B	ADAMS PAUL J, ADAMS MARILYN L TRUSTEES	30 ASPEN DR,	BRIDGEWATER, MA	02324	
53-0-247	DOYLE RICHARD T,	17 MCKINLEY ST,	WAREHAM, MA	02571	
53-0-251	GARCIA JOHN, TSUI JOSEPHINE	24 BRIARWOOD DR,	WAREHAM, MA	02571	
CERTIFIED ABUTTERS AS THEY APPEAR					
ON OUR TAX ROLLS AS OF 8/1/2023					
<i>W. Renee Adams</i>					
ASSESSORS OFFICE					
REQUESTED BY					
DILLION BRADY					
781 585-2300					
DILLONB@GRADYCONSULTING.COM					

ArcGIS Web Map



8/1/2023, 12:01:41 PM

Parcels with CAMA Data Parcel Lines

Public Road

Miscellaneous Lines

Right of Way

Town Line

Common Line MiscPolys

Miscellaneous Lines

Right of Way

1:2,257





TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul Turner
Director of Inspectional Services

July 24, 2023

Mr. David Regan
34 Briarwood Drive
Wareham, Massachusetts 02538

RE: 34 Briarwood Drive / Map53, Lot 211

Mr. Regan,

I have reviewed your Building Permit application B-23-421, submitted July 7, 2023 to construct an attached, two car garage located at 34 Briarwood Drive, Wareham, Massachusetts. At this time I must deny your request.

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

Article 6: Density and Dimensional Regulations;

**620 Table of Dimensional Regulations, 621 Residential Districts, R-30,
Side and front setbacks**

Article 13: Zoning Protection;

Section 1352

If the Building Official determines that a proposed addition, alteration, or extension to a lawfully non-conforming single or two family residential structure increases the non-conformity nature of the structure, a denial letter will be issued and the applicant must make application to the Board of Appeals for a new determination in order to proceed. If the Board of Appeals affirms the Building Official's decision, no such alteration or extension may occur unless the Board of Appeals issues a **Special Permit** for alteration or extension after finding that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing non-conformity.

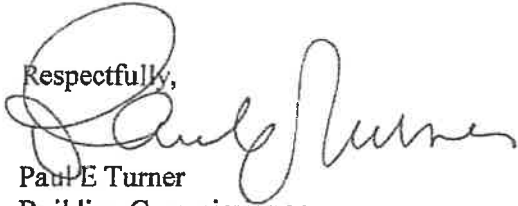
Section 1353

An addition, alteration, extension, or structural change that is found to increase the non-conforming nature of the structure and is found by the Zoning Board of Appeals to be substantially more detrimental to the neighborhood will require a **Variance**.

Therefore, a **Special Permit** and or a **Variance** must be secured from the Zoning Board of Appeals in order to proceed with your application.

The subject dwelling is located in MR-30 zoning district.

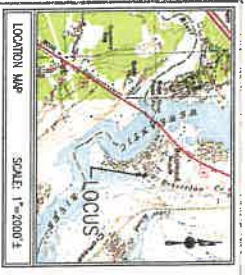
Respectfully,

A handwritten signature in cursive script, appearing to read "Paul E. Turner".

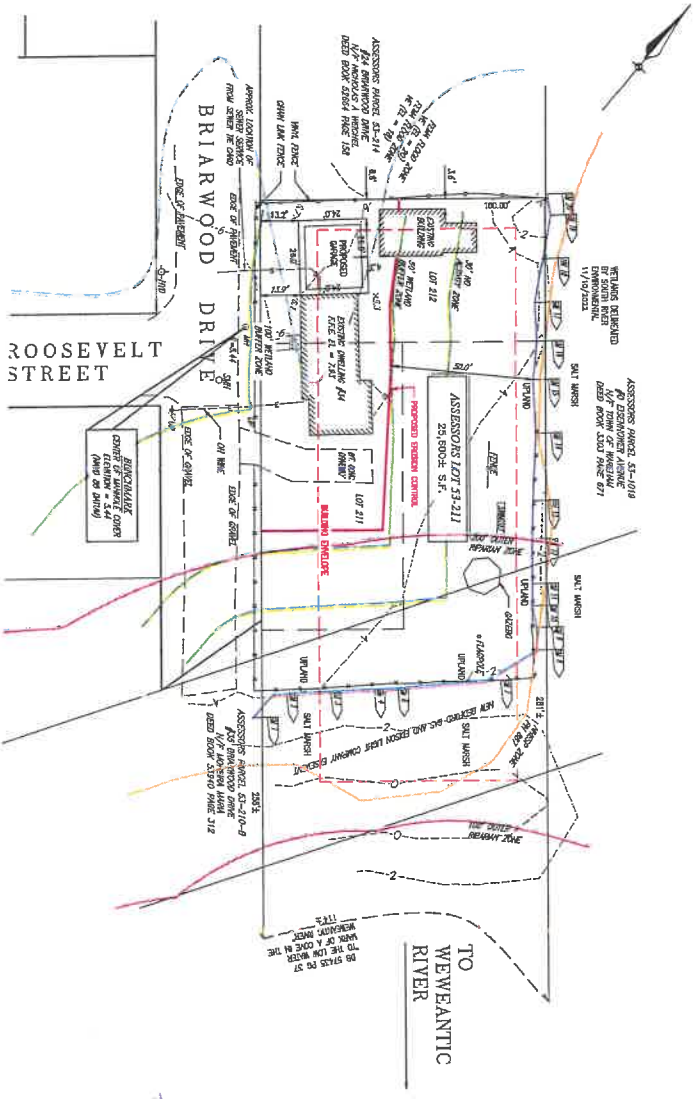
Paul E Turner
Building Commissioner
Zoning Enforcement Officer

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.



- NOTES:**
1. PROPERTY LINE STREET LANE AND OTHER REGULATIONS WAS COMPILED FROM RECORDS ON FILE AT THE PLANNING BOARD OFFICE.
 2. TOPOGRAPHY INFORMATION SHOWN ON THIS PLAN IS BASED ON THE GROUND SURVEY BY CIVIL CONSULTING, INC. ON JANUARY 14, 2023.
 3. SUBJECT SITE IS IN THE RESERVE R-30 DISTRICT AS SHOWN ON THE TOWN OF WAREHAM ZONING MAP.
 4. EXISTING UTILITIES WERE SHOWN, HAVE BEEN CORRECTED BASED ON OPERATED ABOVE GROUND EVIDENCE ONLY AND ARE TO BE RELOCATED TO THE LOCATION OF THE CORRESPONDING UTILITIES SHOWN ON THE ALL EXISTING UTILITIES AND/OR SUBSURFACE STRUCTURES ARE SHOWN.
- FLOOD NOTE:**
 THE EXISTING FLOODING ONLY, THIS PROJECT IS LOCATED IN ZONE XE AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 2014. EXISTING FLOODING ONLY, WHICH SHOWS AT SPECIFIC DATE OF FEBRUARY 2014.



BUILDING COVERABLE CALCULATIONS:

TOTAL LOT AREA - 24,000 S.F.	REQUIRED	EXISTING	EXCESS
MAX. BLD. COVERAGE	25%	6,241,195 S.F.	8,882,216 S.F.

ZONING DATA

OWNER	RECORDING	30 PERCENT
MINIMUM BUILDING HEIGHT		30,000 S.F.
MINIMUM FRONT YARD SETBACK		150 FT
MINIMUM SIDE YARD SETBACK		20 FT
MINIMUM REAR YARD SETBACK		10 FT
MAX. BUILDING HEIGHT		35 FT
MAX. BUILDING COVERAGE		25%



RECORD OWNER:
 ASSESSORS MAP 715 LOT 7
 DANIEL L. REGAN
 34 BRIARWOOD DRIVE
 WAREHAM, MA 02571
 WEED BOOK 51N BOOK48 PAGE 72A
 LOT 11 - 750N BOOK48 PAGE 72A

PLOT PLAN FOR ADDITION
 #34 BRIARWOOD DRIVE
 WAREHAM, MASSACHUSETTS

GRADY CONSULTING, L.L.C.
 Civil Engineers, Land Surveyors & Landscape Architects
 71 Englewood Street, Wareham, MA 02571
 Phone: (508) 566-2500