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:

- Complete this form.
- Complete information packets. (Directions attached) 0
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature. 0
- 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 BRIALWOOD DRIVE LOT: 53 MAP: 211 ZONING DISTRICT: RESIDENTIAL 30 USE REQUESTED: VARIANCE OWNER OF LAND & BUILDING: DAVID REGAU ADDRESS OF OWNER: #34 BRIKE WOOD DRIVE PERSON(S) WHO WILL UTILIZE PERMIT: DAND PERSON ADDRESS: #34 BRIARWOOD DRIVE DIE CDILLON BRADY - GRADY CONSULTIN DATE: JULY 31 2023 SIGNATURE:

TOWN CLERK

This application was re	eceived on the date	<u>stamped ne</u>	re:					
== ,							WAREHA	M TOWN CLERI
Town Clerk:	0, ,		Da	ate: _			2023.9	WG 31 PM3:41
Tax Collector:	Mark	1	D	ate: _		1-23		 s
Planning/Zoning I	Dept.: (/ om	a Rap	080 D	ate: 🚊	8-31	.23		
Application fee paid:	300.00	_Check#:	11088	,	_Receipt: _			
Advertising fee paid:	150.00	_ Check # _	11134	6	_Receipt: _			
Abutters fee paid:	232.80	Check #	11130		_ Receipt:			
						- 6		

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENATIVE INFORMATION SHEET

Check One: VarianceSpecial PermitSite PlanAppeal
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: SAWED @ COMCAST. NET
Address of Property/Project: 34 BRIARWOOD DRIVE
Landowner's Name: DAUD REGAW
Owner's Address:
Telephone Number:
Contact Person: DILLON BRADE GENCE CONSUMTELEPHONE 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: <u>Abutter Request Form - Online</u> 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

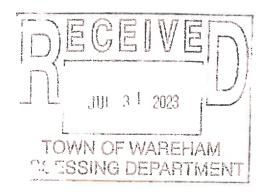
53-211

Distance Required

300'

Which Board are you appearing before?

Zoning

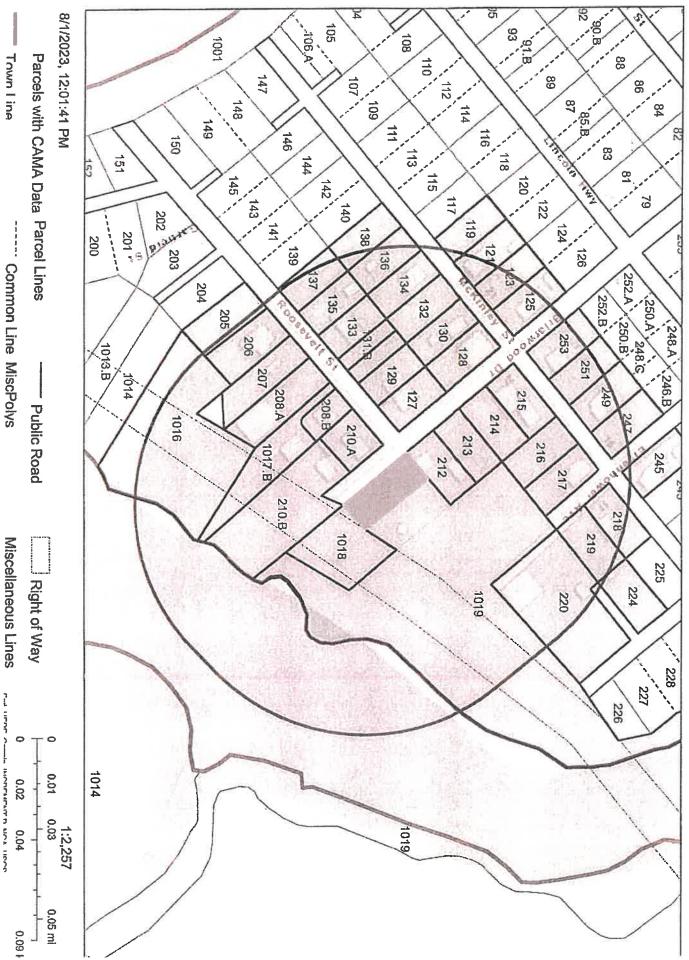


Previous submission

Next submission

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MCHUGH CHARLES III, MCHUGH KAREN 21 BROASEVELT ST WAREHAM, MA	53-0-125	HICKS CYNTHIA O EYNON, HICKS ROBIN M	PO BOX 294,	ASHLAND, MA	01721
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VELLUCCI ALFRED P.	3-0-131.B	SPANG JAMES R LIFE ESTATE,	7 ROOSEVELT ST,	WAREHAM, MA	02571
CENTOPANTI STEPHEN TRUSTEE OF, GILDA CENTOPANTI REV TRUST 115 LUNA LIN, WALTHAM, MA	3-0-134	VELLUCCI ALFRED P,	26 MCKINLEY ST,	WAREHAM, MA	02571
THERIAULT JOHN E, THERIAULT CHERY, L	3-0-137	CENTOFANTI STEPHEN TRUSTEE OF, GILDA CENTOFANTI REV TRUST	115 LUNA LN,	WALTHAM, MA	02451
RICCIARDI VICTOR, RICCIARDI CAROL ANN 25 WILLIAM ONTHANK LIN, SOUTHBOROUGH, MA	3-0-138	THERIAULT JOHN E, THERIAULT CHERYL L	41 MCKINLEY ST,	WAREHAM, MA	02571
PRESTON NANCY BORDEAUX, MA	3-0-205		25 WILLIAM ONTHANK LN,	SOUTHBOROUGH, MA	01772
MOREIRA MARIA 33 BRIARWOOD DR, WAREHAM, MA	3-0-208.B	PRESTON NANCY BORDEAUX,	4 ROOSEVELT ST,	WAREHAM, MA	02571
REGAN DAVID L, REGAN ANDREA L 34 BRIARWOOD DR, WAREHAM, MA	3-0-210.A	JASON JEAN A,	33 BRIARWOOD DR,	WAREHAM, MA	02571
REGAN DAVID I, REGAN ANDREA I 34 BRIARWOOD DR, WAREHAM, MA	3-0-210.B	MOREIRA MARIA	237 BROCKLEMAN RD	LANCASTER, MA	01523
WEICHEL NICHOLAS A WAREHAM, MA	3-0-211	REGAN DAVID L, REGAN ANDREA L	34 BRIARWOOD DR,	WAREHAM, MA	02571
TELLO RONALD, TELLO STEVEN F C/O MARY ANN PICHARD CRAWFORD FAMILY REALTY TRUST, CLUNEO DENISE M, CRAWFORD JAMES A III, B ADAMS PAUL I, ADAMS MARILYN L TRUSTEES BOYLE RICHARD T, GARCIA JOHN, TSUI JOSEPHINE ABUTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SOFFICE ED BY SABUTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SOFFICE ED BY SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SOFFICE ED BY SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SOFFICE ED BY SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SOFFICE ED BY SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 SABOTTERS AS THEY APPEAR TAX ROLLS AS OF 81/2023 TAX ROLLS AS O	3-0-214	WEICHEL NICHOLAS A	26 BRIARWOOD DR,	WAREHAM, MA	02571
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CRAWFORD JAMES A III, WESTFORD, MA	3-0-220	CUNEO DENISE M,	20 EISENHOWER AVE,	WAREHAM, MA	02571
B ADAMS PAUL J, ADAMS MARILYN L TRUSTEES DOYLE RICHARD T, GARCIA JOHN, TSUI JOSEPHINE GARCIA JOHN, TSUI JOSEPHINE GARCIA JOHN, TSUI JOSEPHINE GARCIA JOHN, TSUI JOSEPHINE AX ROLLS AS OF 8/1/2023 SOFFICE BD BY ED BY BRADY GRADY COMMENT TIME COMM BRADY BRADY 24 BRIARWOOD DR, WAREHAM, MA 24 BRIARWOOD DR, WAREHAM, MA AN POLES AS OF 8/1/2023 BRADY BRADY BRADY BOOM AN POLES AS OF SUI AND COMMENT TIME COMM BRADY BRADY BRADY BRADY	3-0-224		15 SHELLEY LN,	WESTFORD, MA	01886
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GARCIA JOHN, TSUI JOSEPHINE 24 BRIARWOOD DR, WAREHAM, MA	3-0-247	DOYLE RICHARD T,	17 MCKINLEY ST,	WAREHAM, MA	02571
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ArcGIS Web Map





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 nonconforming 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.

Paul E Turner

Respectfull

Building Commissioner Zoning Enforcement Officer

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

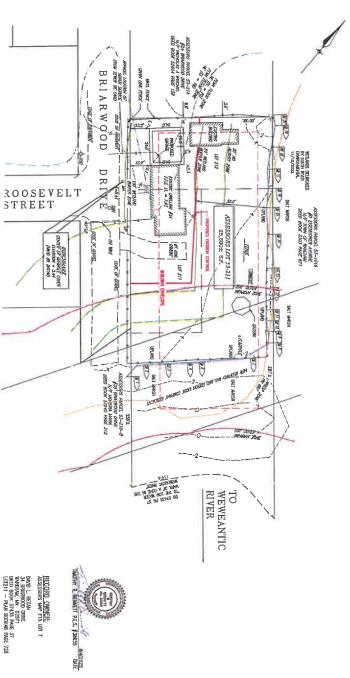
In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.



- NOTES:

 1. PROPERTY UNE, STREET LINE, AND OWNER INFORMATION WAS COMPILED FROM RECORDS ON FILE AT THE PLYMOUTH COUNTY RECISIEY OF DEEDS. TOPOGRAPHY INFORMATION SHOWN ON THIS PLAN IS BASED AN ON THE GROUND SURVEY BY GRADY CONSULTING LLC ON JANUARY 14, 2023.
- COSTRIO UTILITIS. WERE SYMM, INVE ERSY COMMETE BESTO AND ORDERNO JAPAN COUNTRY DEVINEY DEVIL AND ARE TO BE CHARLESTED APPROXIMATE GRAVE CONSTITURES LICENS TO BE CHARLESTED APPROXIMATE GRAVE CONSTRUCTION OF THE CHARLEST AND COUNTRY OF THE CHARCESTANCE STRUCTIONS ARE SHOWN. 3. Subject site is in the resource R-30 district as depicted on the torny of wareham zoning map,

ELOODA NOTE:
BY COMPINE POTTON ONLY THE PROPERTY IS COMED IN ZONE
NE AS DEPOTED ON FLOOD INSTRUMEZ PARTE MAP, COMMANTY PAREL
NE, 2002AD 0570M, WINCH BOAYS AN EFFECTIVE DATE OF FERMANY
N, 2014.





Scale I'' = 20'

DAND L. REGAN
34 BRIARMOOD DRIVE
WAREKM, MA. 02571
DEED BOOK 57435 PAGE 37
LOTZ11 -- PLAN BOOK48 PAGE 728

PLOT PLAN FOR ADDITION
#34 BRIARWOOD DRIVE
WAREHAM, MASSACHUSETIS JUHE 5, 2023 SCALE: 1°=20' JOB No. 22-525

GRADY CONSULTING, L.L.C.

GIM Engineers, Land Sureport & Landboops Architects
The Regime State, Market Consult (1886).

Head (1811) See-280.

DISTRICT: RESIDENTIAL 30 DISTRICT ZONING DATA

BUILDING COVERAGE CALCULATIONS: TOTAL LOT AREA = 25,600± S.F.

MAX. BITO CONFIGNOE

REQUIRED EXISTING PROPOSED 8.2%(1,595 SF) 8.8%(2,219 SF)