

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 58-23
Book: 31184 Page: 0191
Date: January 25, 2024

Certificate of Granting of Use-Variance/Appeal
(General Laws Chapter 40A, Section 11)

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

To: Finni Samiat

Address: 19 Nicholas Drive

City or Town: Wareham, MA 02571

Affecting the rights of the owner with respect to land or buildings at 19 Nicholas Drive, Wareham, MA
Assessor's Map 57 Lot 0191

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Use-Variance / Appeal 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 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.

James D. Paoletti Chairman
Clerk

2024 FEB 5 PM 5:45
WAREHAM TOWN CLERK

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

No. 58-23

Petition of: Samiat Finni

Location of Property: 19 Nicholas Drive, Wareham, MA

Date of Notification of Hearing: January 4, 2024 & January 11, 2024

Date of Hearing: January 24, 2024

Date of Notification of Decision: January 25, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

.....
James W. Jacobsen
.....

.....
Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 58-23

Applicant: Samiat Finni

Owner: same

Owner Address: 19 Nicholas Drive, Wareham, MA 02571

Subject Property Address: 19 Nicholas Drive, Wareham, MA 02571

Subject Property Parcel ID: Map 57 Lot WS13

Date of Public Hearing: January 24, 2024

Date of Notice: January 25, 2024

Decision/Reason:

From a Notice of Violation came a request for Use Variance to preserve the accessory apartment constructed in the single family dwelling at the subject address without proper permits. The Zoning Board of Appeals held a hearing on January 24, 2024 to hear from the applicant and the Building Commissioner regarding the facts. The ZBA found that the owner/applicant admitted to an accessory unit and building the accessory unit without a permit. The Board found that the accessory unit did not cause any adverse impacts to the property or neighborhood and that the owner/applicant was very limited in what they could do with use of the property. The Board further found that the owner/applicant met the criteria of section 10 of MGL Chap. 40A for Variance from the Use standards of the Wareham Zoning Bylaws. The Board heard further from the Building Commissioner that the owner/applicant did not meet Building Code requirements in the construction of the unit, but the Board considered that outside the purview of the ZBA.

Consequently the Board voted to grant the Use Variance for the accessory unit, with conditions, and with the assumption that all construction would conform to the Building Code.

Conditions:

1. The accessory unit is to be constructed per the requirements of the Building Commissioner.
2. Any relief not expressly granted hereunder is hereby denied.
3. 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 appeals 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.
4. 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 and the amount of time required to pursue and await the determination of any such appeal, then this Special Permit/Variance 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 and any construction performed under the permit may be ordered undone.
5. 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.
6. If the applicant wishes to modify the approved Record 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 without the need for any further ZBA approval.

VOTE: (5-0-0) By the Wareham Zoning Board of Appeals

ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 58-23

Petitioner Name: Samiat Finni

Map: 57

Lot: WS13

Address: 19 Nicholas Drive, Wareham, MA

Project: Seeking relief through an Appeal for the Building Commissioner's Notice of Violation

Special Permit and/or Variance/Appeal Both (Circle one)

Reason for granting/denying the application:

Conditions:

1.

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TOWN OF WAREHAM ABUTTERS

MAP 57 LOT WS13

OWNER SAMIAT FINNI

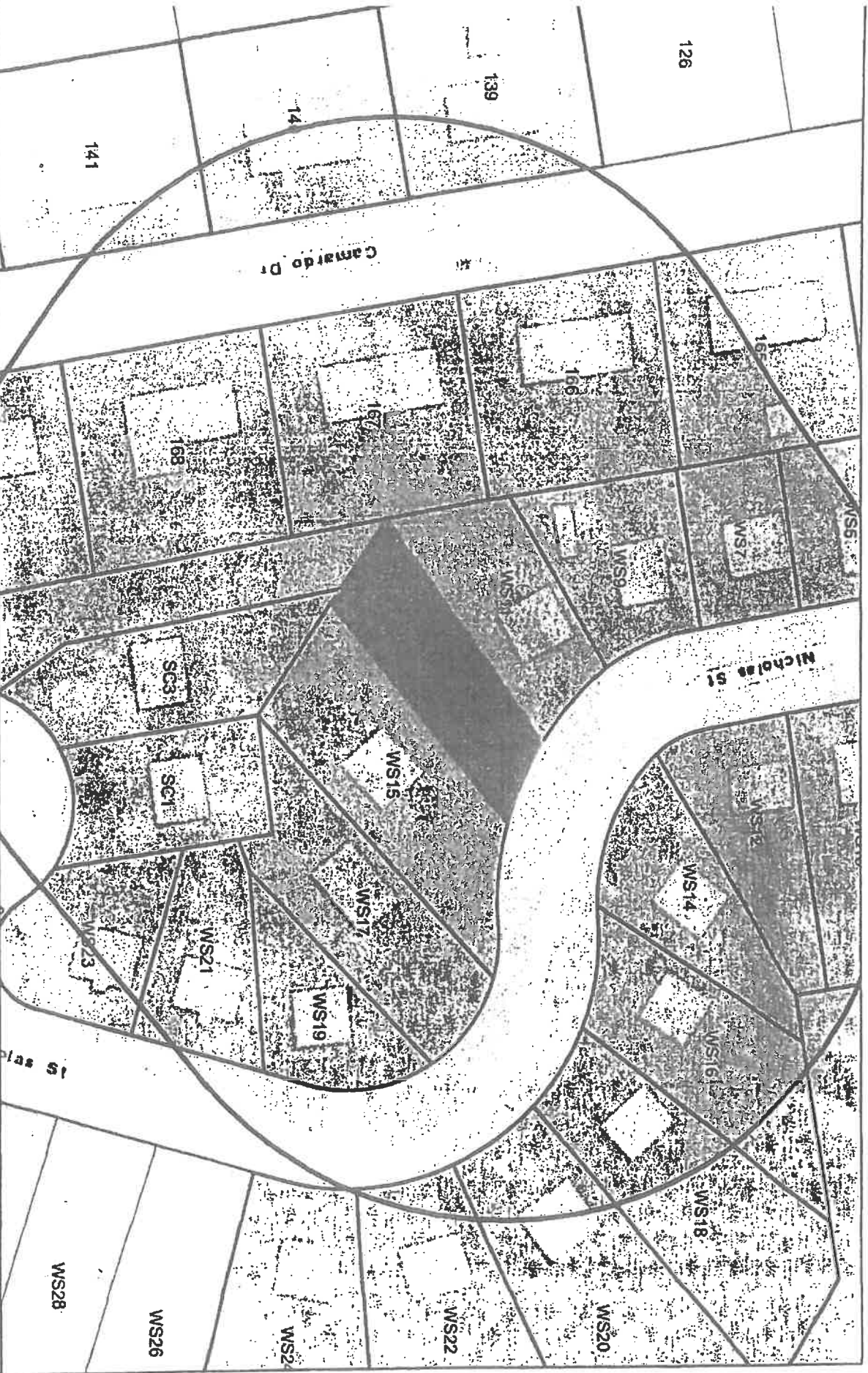
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
57-0-1004.A	WANCO MANAGEMENT INC,	3119 CRAN HWY SUITE 5A,	E WAREHAM, MA	02538
57-0-139	GRANTHAM JULIE A, GRANTHAM JOHN P III	28 CAMARDO DR,	WAREHAM, MA	02571
57-0-140	HETU MAKENZIE A	26 CAMARDO DR,	WAREHAM, MA	02571
57-0-141	PIERCE COURTNEY,	24 CAMARDO DR,	WAREHAM, MA	02571
57-0-165	SHEPLEY THOMAS D, SHEPLEY JACQUELINE	35 CAMARDO DR,	WAREHAM, MA	02571
57-0-166	QUINN WILLIAM R, VOLK PATRICIA	33 CAMARDO DR,	WAREHAM, MA	02571
57-0-167	WHITE ROBERT,	31 CAMARDO DR,	WAREHAM, MA	02571
57-0-168	MCMORROW MARCINA,	PO BOX 34	W WAREHAM, MA	02576
57-0-169	VOGEL PAUL,	27 CAMARDO DR,	WAREHAM, MA	02571
57-0-SC1	GONCALVES NATALIE TRUSTEE, BEVERLY A MIGNOSA TRUST	3 SOLAS CIR	WAREHAM, MA	02571
57-0-SC3	FINNI DOROTHY,	5 SOLAS CIR,	WAREHAM, MA	02571
57-0-WS10	LOPES SIMAH-ALLISSE,	12 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS11	OBRIEN AMY, TRISOLIE BRETT	17 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS12	KERR KRISTINE L, TITCOMB NATHANIEL M	14 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS13	FINNI SAMIAT,	19 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS14	DONNELLY MICHAEL JOHN	16 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS15	PERRY DAMIEN A, RIVERA NICOLE	21 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS16	SILVA RICHARD A JR,	18 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS17	DUNN KAREN M, SCHLAEGEL CHARLES M	23 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS18	ERASME MIRIELLE, ERASME CHARLEMAGNE	20 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS19	MAGNETT MISTY M,	25 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS20	MCANNEY SEAN JAMIESON,	22 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS21	POLLARD BRIAN R, CROUMIE JENNIFER L	27 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS22	MCNULTY SEAN P, MCNULTY MOLLY	24 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS23	BAPTISTA ROBERTA A, BAPTISTA GEORGE J III	29 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS24	PLOTKIN JORDAN, NORTON CAITLIN	26 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS29	GUSCIORA KATHERINE ELIZABETH, MARROU KRYS ROBYNN	35 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS5	MOTT TONIANN,	11 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS7	KELLY JENNIFER N,	13 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS8	TRAVIS BRYAN S	10 NICHOLAS DR,	WAREHAM, MA	02571
57-0-WS9	PERRY CHRISTOPHER L,	15 NICHOLAS DR,	WAREHAM, MA	02571

CERTIFIED ABUTTERS AS THEY APPEAR
ON OUR TAX ROLLS AS OF 12/12/2023

Renee Atkins
ASSESSORS OFFICE

REQUESTED BY
SAMIAT FINNE
508 241-6301
YOSAMIAM@HOTMAIL.COM

ArcGIS Web Map

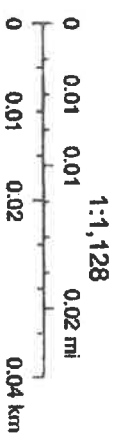


12/2023, 8:44:58 AM

Parcels with CAMA Data _____ Public Road

Parcel Lines

Property Line



Est. HERE, Garmin, INCREMENT P, NGA, USGS

ZONING BOARD OF APPEALS DECISION SHEET

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