

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 2-24
Book: 56189 Page: 300
Date: February 15, 2024

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

The Board of Appeals of the Town of Wareham hereby certifies that a Special Permit and/or Variance has been granted:

To: Ryan Vlaco, Trustee of Burkely Ryan Realty Trust

Address: 17 Pine Street. PO Box 107

City or Town: Middleboro, MA 02346

Affecting the rights of the owner with respect to land or buildings at 72B Burgess Point Road, Wareham,
MA Assessor's Map 22 Lot 1996A2

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Special Permit and/or 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 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 H. Escobedo Chairman
Clerk

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

WAREHAM TOWN CLERK
2024 FEB 28 AM 9:44

No. 2-24

Petition of: Ryan Vlaco, Trustee of Burkely Ryan Realty Trust

Location of Property: 72B Burgess Point Road, Wareham, MA

Date of Notification of Hearing: January 25, 2024 & February 1, 2024

Date of Hearing: February 14, 2024

Date of Notification of Decision: February 15, 2024

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

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James O. Escobedo
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.....
Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 2-24

Applicant: Ryan Vlaco, Trustee of the Burkely Ryan Realty Trust

Owner: same

Owner Address: 17 Pine Street, PO Box 107, Middleboro, MA 02346

Subject Property Address: 72B Burgess Point Road, Wareham, MA

Subject Property Parcel ID: Map 22 Lot 1006A2

Date of Public Hearing: February 14, 2024

Date of Notice: February 15, 2024

Decision/Reason:

The Petitioner was before the Zoning Board of Appeals on February 14, 2024, and pursuant to a Denial Letter dated November 27, 2023, issued by the Building Commissioner who determined that the Petitioner's plan to construct a 2,424 square foot, two story detached garage pursuant to Article 6, Note 2 of the Wareham Zoning Bylaws. Accordingly, the Petitioner brought the appeal to the Board of Appeals who granted the Variance on February 14, 2024.

Variance:

The Board reviewed the submittals by the petitioner's counsel who presented that the case met the standards under the Wareham Bylaws and M.G.L. Chapter 40A section 10 for the granting of a Variance. The land is unique as it is waterfront property on a conforming lot which is a long rectangular shape. The shape of the land and topography is the reason why the garage cannot be placed parallel or behind the primary dwelling. The Petitioner demonstrates that there is a hardship if denied and that the granting of this variance will not be substantially detrimental to the neighborhood.

Based upon the above, the Board granted the Variance in this case for the two-story detached garage which is located in front of the primary dwelling as depicted on the Proposed Site Plan, 72B Burgess Point Road, Wareham, Massachusetts, prepared by JC Engineering dated March 23, 2022.

Further, the granting of this Variance is subject to the following conditions:

Conditions:

1. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
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: (4-0-1) By the Wareham Zoning Board of Appeals.

TOWN OF WAREHAM ABUTTERS

MAP 22 LOT 1006.A2

OWNER RYAN VALCO TRUSTEE & BURKELY RYAN REALTY TRUST

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
22-0-1005	DEJESUS HENRY V JR, DEJESUS JUDITH	PO BOX 1135	MARION, MA	02738
22-0-1006.A1	RHODES MATTHEW N, RHODES CINDY C	PO BOX 578	E WAREHAM, MA	02538
22-0-1006.A2	VALCO RYAN TRUSTEE & BURKELY RYAN REALTY TRUST	17 PINE ST	MIDDLEBORO, MA	02346
22-0-1006.A3	GRANDMONT JOHN J, GRANDMONT MARIE G	74 BURGESS POINT RD,	WAREHAM, MA	02571
22-0-1006.B	GEAGAN THOMAS V, GEAGAN BARBARA V CO-TRUSTEES	PO BOX 3070,	WAREHAM, MA	02571
22-0-1007	CRITTENDEN G LAMAR JR, C/O SARAH M CRITTENDEN	33 HIGH ST,	PLAINVILLE, MA	02762
22-0-1009	KWON SONIA J TRUSTEE, TRILOBITE TRUST	PO BOX 78,	NORWELL, MA	02061

CERTIFIED ABUTTERS AS THEY APPEAR ON

OUR TAX ROLLS AS OF 12/5/2023

W. Renee O'Brien

ASSESSORS OFFICE

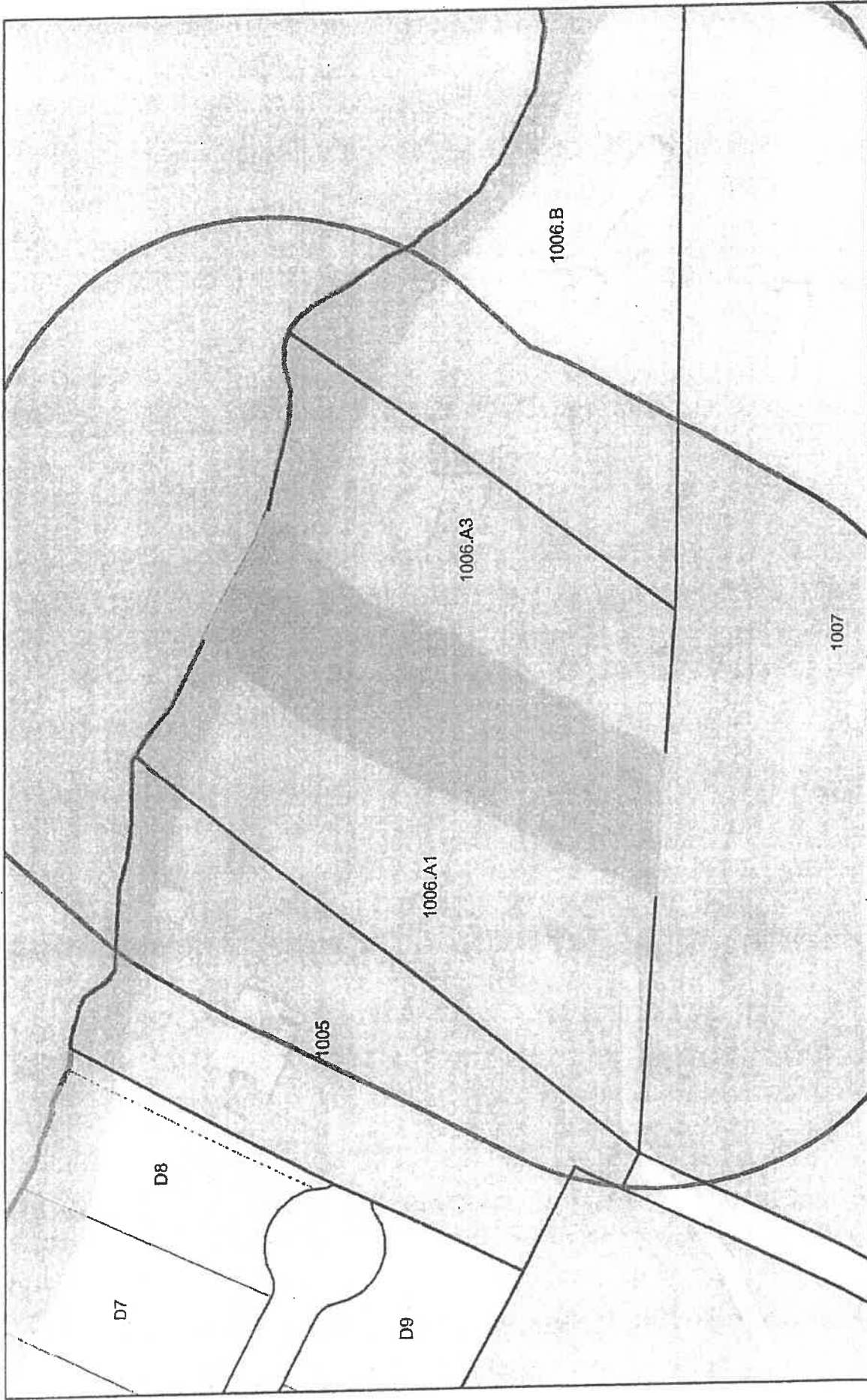
REQUESTED BY

CHERYL SILVA

508 295-2522

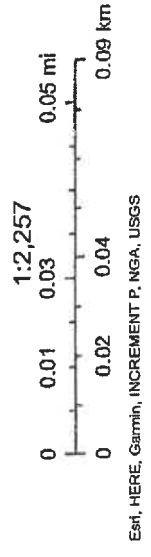
CHERYL@MORTONLAWLLC.COM

ArcGIS Web Map



12/5/2023, 8:32:21 AM

- Parcels with CAMA Data
- Town Line
- Parcel Lines
- Property Line
- MiscPolys
- Right of Way
- Public Road



ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 2-24

Petitioner Name: Ryan Vlaco, Trustee of the Burkely Ryan Realty Trust

Map: 22

Lot: 1006A2

Address: 72B Burgess Point Road, Wareham, MA

Project: Proposing to construct a 2,424 square foot, two-story detached garage in the front yard

Special Permit and/or Variance Both (Circle one)

Reason for granting/denying the application:

Conditions:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____