



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

266 MAIN ST.
WAREHAM, MA 02571

TEL 508.295.6600
FAX 508.295.6634

April 9, 2024

Town of Wareham Zoning Board of Appeals
54 Marion Road
Wareham, MA 02571

Re: Variance Application – 59 Rose Point Avenue
Timothy J. & Lynne M. DeMarco
Map 78-1, Lots 20 & 21
G.A.F. Job No.: 23-10079

Dear Zoning Board of Appeals Members,

G.A.F. Engineering, Inc., on behalf of our clients, Timothy J. & Lynne M. DeMarco, hereby submit the following materials which comprise our application for a Variance from the front setback requirement as listed in Article 6, Section 625, note 2 of the Wareham Zoning By-Laws.

- Plan to Accompany Notice of Intent dated March 1, 2024 (3 full size and 7 half size)
- Garage Elevation Plan dated October 10, 2023 (3 full size and 7 half size)
- Application for a Variance. (9 copies)
- Building Department Denial Letter dated March 18, 2024
- 300' Certified Abutters list
- Tax Verification Form
- Copy of quitclaim deed
- Filing fee of three hundred dollars (\$300.00)
- Advertising fee of one hundred fifty dollars (\$150.00)

We respectfully request that this application be scheduled for your next available public meeting. Please contact me directly if you have any questions.

Sincerely,

Robert J. Rogers
Project Manager
bob@gafenginc.com

RJR/rjr

Enclosures

Cc: Timothy J. & Lynne M. DeMarco
Town Clerk



This form was received on the date stamped here:

TOWN OF WAREHAM

ZONING BOARD OF APPEALS APPLICATION FOR A:

- VARIANCE
- SPECIAL PERMIT
- SITE PLAN REVIEW
- APPEAL

Certain uses are allowed in 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. Permits may be issued only after a public hearing. To apply for a public hearing for a Permit from the Zoning Board of Appeals, please do the following:

- Complete this form.
- Read information packets. (Directions attached)
- Submit completed form, packets, and appropriate fees** to the Planning and Community Development Office.
- Submit application form and packet of information to Town Clerk for signature.

** See Directions for fees, or ask at the Planning and Community Development Office.

I hereby apply for a [check applicable]: Variance Special Permit Site Plan Appeal for a use at the following place:

STREET & NUMBER: 59 Rose Point Avenue MAP: 78-1 LOT: 20 & 21

ZONING DISTRICT: Residential R-30

USE REQUESTED: Residential

OWNER OF LAND & BUILDING: Timothy J. & Lynne M. DeMarco

ADDRESS OF OWNER: 59 Rose Point Avenue, Wareham, MA 02571

PERSON(S) WHO WILL UTILIZE PERMIT: Timothy J. & Lynne M. DeMarco

ADDRESS: 59 Rose Point Avenue, Wareham, MA 02571

DATE: 4/8/24

SIGNATURE: [Handwritten Signature]
Lynne M. DeMarco

Town Clerk: _____

Date: _____

Tax Collector: _____

Date: 4/9/24

Planning/Zoning Dept.: SONIA RAYSONO

Date: 4-16-2024

Application fee paid: 300.00

Check #: 937

Receipt: _____

Advertising fee paid: 150.00

Check #: 938

Receipt: _____

Abutters fee paid: 24.30

Check #: 2224

Receipt: _____

WAREHAM TOWN CLERK
2024 APR 16 PM 2:18

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: Timothy J. & Lynne M. DeMarco

Applicant's Address: 59 Rose Point Avenue, Wareham, MA 02571

Telephone Number: 508-748-6856

Cell Phone Number: 508-294-5359

Email Address: tdemarco59@comcast.net

Address of Property/Project: 59 Rose Point Avenue

Landowner's Name: Timothy J. & Lynne M. DeMarco

Owner's Address: 59 Rose Point Avenue, Wareham, MA 02571

Telephone Number: 508-748-6856

Contact Person: Timothy & Lynne DeMarco Telephone Number: 508-748-6586

Map 78-1 Lot 20 & 21 Zone Residential R-30

Date Approved _____ Date Denied _____

Comments: _____



TOWN of WAREHAM
Massachusetts
BUILDING DEPARTMENT

Paul E. Turner
 Director of Inspectional Services

March 18, 2024

Brian Grady
 59 Rose Point Avenue
 Wareham, Massachusetts 02576

RE: 59 Rose Point Avenue/ Map 78-1, Lots 20,21

Mr. Grady,

I have reviewed your building permit application, BP-24-133, submitted March 11, 2024 with a scope of work stating; "constructing a detached garage" located at 59 Rose Point Terrace, Wareham Massachusetts.

Your application is being denied under the following sections of the Wareham Zoning Bylaws;

ARTICLE 6: DENSITY AND DIMENSIONAL REGULATIONS

625 ACCESSORY BUILDINGS

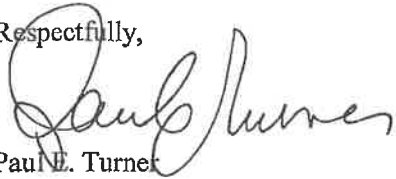
	<u>R</u> districts	<u>V</u> districts	<u>C</u> districts	<u>MAR</u>	<u>INST</u>	<u>BDOD</u>
Front Setback min, in feet						
:						
Accessory Building	notes 1 & 2	notes 1 & 2	notes 1 & 2	notes 2	notes 2	notes 3 & 4
Side Setback min, in feet						
Accessory Building	10 note 1	10	10	20	10	20 note 4
Rear Setback min, in feet						
Accessory Building	15 note 1	15	15	20	15	20 note 4
Height max, in feet						
Accessory Building	20 note 1	20	30	30	30	30 note 4

1. For lots 10,000 square feet in area and under, the limits shall be **Side:** 5 feet; **Rear:** 5 feet; and **Height:** 20 feet. Building height shall be determined in accordance with the latest State Building Code 780CMR.
2. Front Setbacks of Accessory Buildings shall be equal to or greater than the existing principal building's Front Setback.
3. Accessory Buildings in Industrial District shall be located to the rear of the principal building.
4. Accessory Buildings in the Business Development Overlay District shall be subject to the same Setback and Height requirements as for principal buildings in the specified in Section 624.

Therefore, a **Variance** must be secured from the Zoning Board of Appeals for the front setback of the accessory building in order to proceed with your project.

The subject project is located in the **R-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.

25

TOWN OF WAREHAM ABUTTERS

MAP 78-1 LOTS 20 + 21

OWNERS TIMOTHY J + LYNN M DEMARCO

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
78-0-1006	ROSE POINT IMPROV ASSOC INC C/O TREASURER	PG BOX 542	W WAREHAM, MA	02576
78-0-1007	ROSE POINT IMPROV ASSOC INC C/O TREASURER	PO BOX 542	W WAREHAM, MA	02576
78-1-16	BROCATO JUDITH A	51 ROSE PT AVE	W WAREHAM, MA	02576
78-1-17	CHUN SKORN, CHEA VANIDA	53 ROSE POINT AVE	W WAREHAM, MA	02576
78-1-18	TSARIDES PETER E, TSARIDES NERISSA M	7 TILSON RD,	ROCHESTER, MA	02770
78-1-20	DEMARCO TIMOTHY J, DEMARCO LYNN M	59 ROSE POINT AVE,	W WAREHAM, MA	02576
78-1-22	ANDREWS PETER R, ANDREWS LAURIE	5 GROTON ST APT 1,	PEPPERELL, MA	01463
78-1-23	SYLVIA TRACEY, SYLVIA MICHAEL A	4 BRADFORD ST,	W WAREHAM, MA	02576
78-1-26	DEMERS STEVEN R, DEMERS SELIN	65 ROSE PT AVE,	W WAREHAM, MA	02576
78-1-43	BISHOP, JOSHUA A	52 ROSE POINT AVE,	W WAREHAM, MA	02576
78-1-44	FENSEL SEAN & REESE RUTH, REESE GAIL TRS	6 WINTER ST,	W WAREHAM, MA	02576
78-1-45	GILPIN WILLIAM J JR,	58 ROSE POINT AVE,	W WAREHAM, MA	02576
78-1-48	GONSALVES ANTONIO P JR, GONSALVES DIANE MARIE	64 ROSE POINT AVE,	W WAREHAM, MA	02576
78-1-49	BASSETTE, LYNN + RANDAL	66 ROSE PT AVE	N ATTLEBORO, MA	02760
78-1-50	FREDRICKSON, KRISTINE A TRUSTEE 68 ROSE PT REV TRUST	70 ROSE POINT AVE,	W WAREHAM, MA	02576
78-1-52	CARLOMANGNO, JOSEPH + JACQUELYN	3 BRADFORD ST	W WAREHAM, MA	02576
78-1-54	BOUCHER, JASON M + VICTORIA	78 ROSE PT AVE	W WAREHAM, MA	02576
78-1-70	WALTER, RICHARD J + WALTER DOROTHY B TRUSTEES	6 WINTER ST,	W WAREHAM, MA	02576
78-1-71	PINA, CURT M JR	5 WINTER ST,	W WAREHAM, MA	02576
78-1-72	PRAINO DENNIS,	37 MARINE AVE,	W WAREHAM, MA	02576
78-1-73	NOBERINI LORI J, NOBERINI JOHN R	39 MARINE AVE,	W WAREHAM, MA	02576
78-1-75	HEAVEY JOHN S, HEAVEY EMILY A	70 ROSE PT AVE,	W WAREHAM, MA	02576
78-1-77	LARKIN MICHAEL J JR,	7 WOODLAWN ST,	E TAUNTON, MA	02718
78-1-96	KUSE JOHN V,	37 OSBORNE AVE,	W WAREHAM, MA	02576
78-1-121	MCDONOUGH JOSEPH, MCDONOUGH JUDITH	41 OSBORNE AVE,	W WAREHAM, MA	02576
78-1-99	ERICKSON, SHAWN S	99 WAREHAM ST	MARION, MA	02738

W. F. Finkelstein

CERTIFIED ABUTTERS AS THEY APPEAR ON OUR TAX ROLLS AS OF 4/1/2024

ASSESSORS OFFICE

REQUESTED BY

BOB ROGERS

508 295-6600

BOB@CAFENGINC.COM

ArcGIS Web Map



4/1/2024, 9:43:27 AM

- Parcels with CAMA Data
- Town Line
- Parcel Lines
- Common Line
- Property Line
- Public Road
- Miscellaneous Lines
- Proprietary
- Wetland

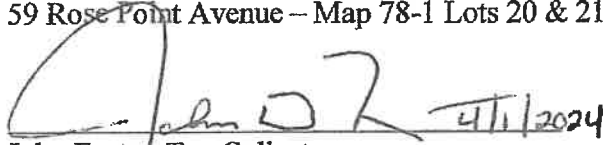


Esri, HERE, Garmin, INCREMENT P, NOAA, USGS

PLANNING BOARD
TAX VERIFICATION FORM

This verifies that Timothy J. & Lynne M. DeMarco (applicant) is up to date on the taxes for the property(ies) he/she owns in Wareham. If the applicant is not the current owner of the property that the application addresses, the current owner, same, is up to date on taxes on all properties he/she owns in the Town of Wareham.

59 Rose Point Avenue -- Map 78-1 Lots 20 & 21


John Foster, Tax Collector

4/11/2024

Quitclaim Deed

I/WE, **TIMOTHY J. DEMARCO and LYNNE M. DEMARCO, f/k/a LYNNE M. MORRILL**

of, Wareham, Plymouth County, Massachusetts

for consideration of \$1.00 paid

grant(s) to **TIMOTHY J. DEMARCO and LYNNE M. DEMARCO, as husband and wife, tenants by the entirety,**

who reside(s) at 59 Rose Point Avenue, Wareham, MA 02576

with **quitclaim covenants,**

the land, with any buildings thereon situated in Wareham, Plymouth, Commonwealth of Massachusetts, bounded and described as follows:

- NORTHEASTERLY by the southwesterly line of Rose Point Avenue, one hundred and 00/100 (100.00) feet;
- SOUTHEASTERLY by Lots #22, #23, #24 and #25, as shown on plan of land, hereinafter mentioned, two hundred twenty and 00/100 (220.00) feet;
- SOUTHWESTERLY by "Marsh Reservation", as shown on said plan, one hundred thirteen and 69/100 (113.69) feet; and
- NORTHWESTERLY by Lot #19, as shown on said plan, one hundred sixty-six and 00/100 (166.00) feet.

BEING shown as Lots #20 and #21 on a plan entitled, "Plan of Section 1, Rose Point Subdivision, Wareham, Mass. Surveyed for A.B. Osborne and L.W. Canedy, Scale: 1" = 100', dated May 10, 1934, Samuel H. Corse, Sur." duly filed in the Plymouth County Registry of Deeds in Plan Book 6, Page 647.

FOR TITLE, see deed from Dalton R. Gordon, et ux, dated December 22, 1998 and recorded in said Registry of Deeds in Book 16971, Page 118.

SUBJECT to all encumbrances of record, including easements, restrictions, and rights of way, if any, insofar as the same may be in force and applicable.

SUBJECT to the 2004 fiscal year real estate taxes which the grantee(s) assume(s) to pay.

Property Address: 59 Rose Point Avenue,
Wareham, MA 02576

Mail 5
Prescott Bullard & McLeod
550 Pleasant St
New Bedford, Ma.

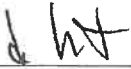
02740

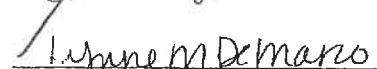
Witness my/our hand(s) and common seal this 26th day of March, 2004

Executed in the presence of


WITNESS


TIMOTHY J. DEMARCO


WITNESS


LYNNE M. DEMARCO, f/k/a LYNNE
M. MORRILL

WITNESS

WITNESS

Commonwealth of Massachusetts

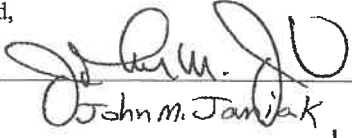
Plymouth, ss.

New Bedford,

March 26, 2004

Then personally appeared the above named **TIMOTHY J. DEMARCO** and **LYNNE M. DEMARCO, f/k/a LYNNE M. MORRILL** and acknowledged the foregoing instrument to be his/hers/their free act and deed,

before me



Notary Public

John M. Janiak

1-26-07

My commission expires _____

(THE FOLLOWING IS NOT A PART OF THE DEED AND IS NOT TO BE RECORDED)

Chapter 183, Section 11, General Laws

A deed in substance following the form entitled "Quitclaim Deed" shall when duly executed have the force and effect of a deed in fee simple to the grantee, his heirs and assigns, to his and their own use, with covenants on the part of the grantor, for himself, his heirs, executors, administrators and successors, with the grantee, his heirs, successors and assigns, that at that time of the delivery of such deed the premises were free from all encumbrances made by him, and that he will, and his heirs, executors and administrators shall, warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under the grantor, but against none other.