

June 9, 2020

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

Re: Special Permit/Variance 104 Great Neck Road Map 18, Lot 1009, 1031 G.A.F. Job No. 19-9301

Dear Members of the Zoning Board of Appeals,

G.A.F. Engineering, Inc. respectfully submits on behalf of the applicant, Kenneth Deluze, the following application for a special permit/variance. This application is being filed in response to a letter (see attached) issued by David Morris, Building Commissioner, to permit the demolition and reconstruction of a single family dwelling. Per the attached letter the new dwelling will require a Special Permit from the Board of Appeals under Article 6, Table 621, and Article 13, Section 1335 of the Zoning By-Law, under a finding that the alteration will not be substantially more detrimental to the neighborhood than the existing condition. It is our opinion that the project is not substantially more detrimental to the neighborhood and we offer the following information for your consideration.

Attached herewith you will find one (1) original and one (1) copy of the following:

- Application for special permit/variance
- Letter from David Morris, Building Commissioner, dated June 3, 2020.
- Deed of the subject property Book 50604, Pages 115-121
- Certified abutters list
- Plan entitled "Sewage Disposal System Design, Prepared for Kenneth Deluze, Map 18/ Lots 1009, 1031, 104 Great Neck Road, Wareham, MA" and dated Revised June 2, 2020.
- Proposed dwelling front elevation rendering
- Proposed dwelling floor plan
- Check for the Town of Wareham for \$300.00 (filing fee)
- Check for Wareham Week for \$80.00 (legal ad)

This property is located within the Residence-60 Zoning District. The following Dimensional Requirements apply within this district:

	Single Family	Existing	Proposed
Minimum Lot Area:	60,000 SF	50,965 SF	No Change
Minimum Frontage	180 Feet	198.00 Feet	No Change
Front Setback	60 Feet	30.6 Feet	37.5 Feet
Side	20 Feet	42.3 Feet	59.0 Feet
Rear Setback	20 Feet	193.5 Feet	196.7 feet

266 MAIN ST.

WAREHAM, MA
0 2 5 7 1

TEL 508.295.6600

FAX 508.295.6634

gaf@gaf-eng.com

As previously stated, the purpose of this application is to permit the demolition and reconstruction of a single family dwelling. The existing dwelling was constructed in 1760 per the Assessor's records. A decision from the Wareham Historical Commission has been received permitting the demolition.

Article 13, Section 1352 of the Zoning By-Law states:

"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-conforming 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 1358 states:

"For the purposes of this section, determination of "substantially more detrimental" shall include consideration of impacts to the general and immediate neighborhood from the resulting height, building coverage, impervious coverage, and width of the altered, reconstructed, extended, or structurally changed structure. Additionally, in determining whether an altered, reconstructed, extended, or structurally changed structure will be substantially more detrimental to the neighborhood, additional considerations may include impacts to abutting properties, increases in traffic, noise, surface water runoff, and related site planning issues."

It is our opinion that the demolition of the existing dwelling and construction of the new dwelling will not be substantially more detrimental to the neighborhood. The existing dwelling is in poor condition and is not flood compliant. The new dwelling will be a flood compliant structure. The existing dwelling is non-compliant with the front yard setback. The new dwelling will be more, but not fully, compliant with the front yard setback. Refer to the above zoning dimensional table. The proposed dwelling will comply with current side and rear yard setbacks. Plans for development of this property are currently pending before the Wareham Conservation Commission. The Commission has imparted their desire that the dwelling be located as far as feasible away from adjacent Wetland Resource Areas. The location of the proposed dwelling, as shown on the attached plan, is an effort to balance the zoning setback requirements while protecting wetland resource areas. Given these facts we believe that the replacement structure will not be "substantially more detrimental to the neighborhood" and the Special Permit should be approved.

We trust the foregoing is sufficient for your immediate needs. Please feel free to contact me with any questions, comments or should you require any additional information.

Sincerely,

G.A.F. Engineering, Inc.

Bua R. Grady

Brian R. Grady

brg

Cc: Kenneth Deluze

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.
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- 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 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 the Wareham Week in the amount of \$80.00.
- **The applicant will also be responsible for the cost of sending out abutter notifications by Certified Mail. 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: 104 Great Neck R	oad_LOT#_1009, 10	31 MAP: <u>18</u>	
ZONING DISTRICT: Redid60 USE RE	QUESTED: Single F	amily Dwelling	2
OWNER OF LAND & BUILDING: Kenr	neth Deluze TEL.#	781-335-2880	
ADDRESS OF OWNER: 84 Liberty St., S	. Weymouth, MA 021	90	_
PERSON(S) WHO WILL USE THE PER	RMIT: Kenneth Deluz	e	
ADDRESS: 84 Liberty St., S. Weymout	h, MA 02190		- /
DATE: June 3, 2020 SIGNATU	TRE TOMOS	to A	ex pa
This application was received on the	late stamped here:		
Town Clerk:		Date:	
Tax Collector:		Date:	
Planning/Zoning Dept.:			190
Application fee paid:	Check#:		Receipt:
Advertising fee paid:	Check#:		Receipt:
Abutters fee paid:	Check#:		Receipt:

TO 1739

TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David Morris
Director of Inspectional Services

Brian Grady 266 Main St. Wareham, MA 02751 June 3, 2020

RE: 104 Great Neck Rd.

I have reviewed your application to raze your existing dwelling and reconstruct a new residential structure at 104 Great Neck Rd. With the information received so far, I must deny your application at this time. The R-60 zoning district requires a 60' front setback. Because the existing structure is already non-conforming, a <u>Special Permit</u> is required to rebuild in a new non-conforming footprint. A <u>Variance</u> may be required If the Zoning Board finds that the new dwelling increases the non-conforming nature of the property or that the proposal is substantially more detrimental to the neighborhood.

The submitted permit application is being denied under the following sections of the Wareham Zoning By-law:

- Article 6, Table 621, Residential Districts, The proposed residential dwelling does not conform to the front setback requirements for the R-60 zoning district.
- Article 13, Section 1355, lawfully pre-existing non-conforming single or two family structure may be demolished and replaced by Special Permit.

The subject dwelling is located in Zoning district R-60.

Respectfully

David Morris

Building Commissioner

It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. 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.

MASSACHUSETTS EXCISE TAX Plymouth District ROD #11 001 Date: 12/07/2018 10:46 AM Otrl# 120284 19109" Doc# 00102484 Fee: \$478.80 Cons: \$105,000.0



Bk: 50604 Pg: 115 Page: 1 of 7 Recorded: 12/07/2018 10:46 AM ATTEST: John R. Buckley, Jr. Register Plymouth County Registry of Deeds

QUITCLAIM DEED

We, Donna L. Cattabriga of 176 Pineview Terrace, West Wareham, MA 02576, Individually and as Personal Representative of the Estate of Lisa Cattabriga, Plymouth County Probate and Family Court Docket No. # PL18P2075EA, and as Personal Representative of the Estate of Annie L. Cattabriga, Plymouth County Probate and Family Court Docket No. # PL11P1634EA; Wayne E. Cattabriga of 2 Arlington Road, Wareham, MA 0257; Barry A. Cattabriga of 4 Earl Street, East Wareham, MA 02538; Rita M. Prada of 2 Earl Street, East Wareham, MA 02538; Mark G. Cattabriga of 19 Spruce Street, Wareham, MA 02571; and Barbara Skinner of 54 Harlow Pond Road, Parkman, ME 04443

* ThOUSAUD

for consideration paid, and in full consideration of One Hundred Five AND 00/100 DOLLARS (\$105,000.00)

grant to Kenneth A. Deluze and Mark Voner, as Tenants in Common, with an address of P.O. Box 489, South Weymouth, Norfolk County, Massachusetts

with quitclaim covenants

The land together with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts, in that part known as Agawam and being on the Easterly side of the Great Neck Road, bounded and described as follows:

Beginning at a point being the Southeast corner of the lot, then run S-42.5 -W, 280.5 feet to Great Neck Road, then turn right and run N-51-W, 198 feet by Great Neck Road to the Northwest corner of the lot, then turn right and run N- 42.5- E, 244.2 feet into the swampland and the Northeast corner of the lot, then turn right and run S- 56.5- E to the point of beginning at the Southeast corner of the lot.

For title references see the following Probates filed with the Plymouth County Probate and Family Court; Emma J. Griffith (Plymouth Docket #229630); George A. Griffith (Plymouth Docket #41184); Phosie M. Griffith Dexter (Plymouth Docket #42732); Edmund F. Griffith (Plymouth Docket #61069); Annie L Cattabriga (Plymouth Docket #PL11P1634EA); Lisa Cattabriga (Plymouth Docket #18P2075EA); and also see Deed from Claybon Keith and Barbara Novish to Annie L. Cattabriga recorded with the Plymouth County Registry of Deeds at Book 2127, Page 123.

Being shown as lots 1009 and 1031 on the Wareham Assessor's Map 18.

We further represent under the pains and penalties of perjury that no other person or entity is presently entitled to homestead rights in the premises as set forth in M.G.L. Chapter 188 and hereby release and terminate any and all estates of homestead in and to the property conveyed herein whether created automatically by operation of law or by a written declaration that is recorded.

Witness my hand and seals this / day of / NAVAM bel

Donna L. Cattabriga, individually and as Personal Representative of the Estate of Lisa Cattabriga

COMMONWEALTH OF MASSACHUSETTS

BArnsta

1/0 Vember 1,2018

On this day, before me, the undersigned Notary Public, personally appeared Donna L. Cattabriga, individually and as Personal Representative of the Estate of Lisa Cattabriga proved to me through satisfactory evidence of identification, which was [Mass. Driver's License, or [_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

otary Public

My Commission Expires: 9/38/

SANDRA J. SMITH **Notary Public** Commonwealth of Massachusetts Commission Expires September 28, 2022

Witness my hand and seals this <u>bth</u> day of _	November, 2018.
	Wayne E. Cattabriga
I, Kay Cattabriga do hereby release any and located at 104 Great Neck Road, Wareham,	all homestead rights that I have in the property MA 02571.
	Kay Cattabriga
COMMONWEALT	TH OF MASSACHUSETTS
plymouth, ss.	<i>NOV</i> 5 , 2018
Cattabriga, proved to me through satisfactor Driver's License, or [], t	ned Notary Public, personally appeared Wayne E. ry evidence of identification, which was [/] Mass. o be the person whose name is signed on the vledged to me that he signed it voluntarily for its
JENNA L. DEANE Notary Public COMMONWEALTH OF MASSACHUSETTS My Commission Expires September 7, 2023	Motary Public My Commission Expires: 9/7/2023
COMMONWEALT	TH OF MASSACHUSETTS
plymouth ss.	NOV 5, 2018
Cattabriga, proved to me through satisfactor Driver's License, or \(\begin{align*} \\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	ned Notary Public, personally appeared Kay ry evidence of identification, which was [] Mass. o be the person whose name is signed on the vledged to me that she signed it voluntarily for its
JENNA L. DEANE Notary Public COMMONWEALTH OF MASSACHUSETTS My Commission Expires September 7, 2023	Notary Public My Commission Expires: 9/7/2020

Total Control of the	
Witness my hand and seals this 5th day of	NOVEMBER, 2018.
	Barry A. Cattabriga
I, Donna M. Cattabriga do hereby release a located at 104 Great Neck Road, Wareham	ny and all homestead rights that I have in the property, MA 02571.
	Donna M. Cattabriga
COMMONWEAL	TH OF MASSACHUSETTS
plymouth, ss.	November 5, 2018
Cattabriga, proved to me through satisfactor Driver's License, or []	gned Notary Public, personally appeared Barry A. ory evidence of identification, which was [X] Mass. to be the person whose name is signed on the weledged to me that he signed it voluntarily for its
JENNA L. DEANE Notary Public COMMONWEALTH OF MASSACHUSETTS My Commission Expires September 7, 2023	Notary Public My Commission Expires: 9/7/2023
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plymouth, ss.	November 5, 2018
Cattabriga, proved to me through satisfactor Driver's License, or [];	gned Notary Public, personally appeared Donna M. ory evidence of identification, which was [X] Mass. to be the person whose name is signed on the wledged to me that she signed it voluntarily for its
JENNA L. DEANE Notary Public COMMONWEALTH OF MASSACHUSETTS My Commission Expires September 7, 2023	Notary Public My Commission Expires: 9 1 2023

Witness my hand and seals this <u>v</u> t day	of November, 2018.
	Bita M. Yrada Rita M. Prada
I, Glenn Prada, do hereby release any a at 104 Great Neck Road, Wareham, MA	nd all homestead rights that I have in the property located λ 02571.
	Elenn Inada Glenn Prada
COMMONWE	EALTH OF MASSACHUSETTS
, ss.	<u> </u>
Prada, proved to me through satisfactor Driver's License, or []	ersigned Notary Public, personally appeared Rita M. ry evidence of identification, which was [/ Mass, to be the person whose name is signed on the knowledged to me that she signed it voluntarily for its
	Notary Public My Commission Expires: 9-7-2023
COMMONWE	EALTH OF MASSACHUSETTS
, ss.	<u> </u>
proved to me through satisfactory evided License, or [] , to be	ersigned Notary Public, personally appeared Glenn Prada, nce of identification, which was [] Mass. Driver's the person whose name is signed on the preceding or o me that he signed it voluntarily for its stated purpose.
	Kein Luchmarsh Notary Public

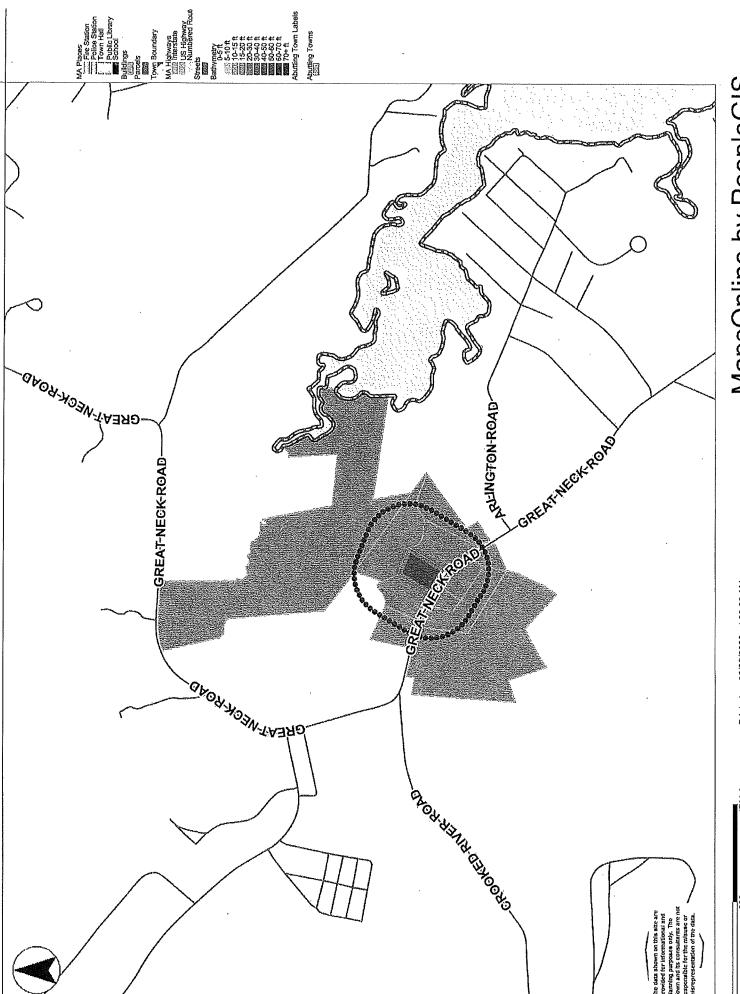
My Commission Expires: 9-7-3023

Witness my hand and seals this <u>ID+h</u> day of <u>November</u> , 2018.
Mark G. Cattabriga I, Sally Cattabriga do hereby release any and all homestead rights that I have in the property located at 104 Great Neck Road, Wareham, MA 02571.
Totaled at 104 Great Neek Road, watcham, WA 025/1.
Sally a Cattalriga Sally Cattabriga
COMMONWEALTH OF MASSACHUSETTS
<u>Plymouth</u> , ss. <u>Wov. 10</u> , 2018
On this day, before me, the undersigned Notary Public, personally appeared Mark G. Cattabriga, proved to me through satisfactory evidence of identification, which was [Mass. Driver's License, or [], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.
STEPHANIE TAVARES DESROSIERS Notary Public COMMONWEALTH OF MASSACHUSETTS My Commission Expires June 20, 2019 My Commission Expires: 6/20/19
COMMONWEALTH OF MASSACHUSETTS
Plymouth, ss
On this day, before me, the undersigned Notary Public, personally appeared Sally Cattabriga, proved to me through satisfactory evidence of identification, which was [Mass. Driver's License, or [], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.
Styphonic & Ren Notary Public
My Commission Expires: $\omega/zo/g$
STEPHANIE TAVARES DESROSIERS Notary Public COMMONWEALTH OF MASSACHUSETTS My Commission Expires June 20, 2019

Witness my hand and seals this 2 day of November, 2018.
Barbara Skinner
I, Scott Skinner do hereby release any and all homestead rights that I have in the property located at 104 Great Neck Road, Wareham, MA 02571.
Scott Skinner
STATE OF MAINE
iscataguisss. Nov 2, 2018
On this day, before me, the undersigned Notary Public, personally appeared Barbara Skinner, proved to me through satisfactory evidence of identification, which was [] Maine Driver's License, or [], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose. Notary Public My Commission Expires: Notary Public, State of Maine STATE OF MAINE Notary Public, State of Maine
Piscalagues ss. Nov 2, 2018
On this day, before me, the undersigned Notary Public, personally appeared Scott Skinner, proved to me through satisfactory evidence of identification, which was [XI)Maine Driver's License, or [], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its
stated purpose.
stated purpose. Notary Public

Tina A. Roberts
Notary Public, State of Maine
My Commission Expires 4/2/2022

TOWN OF W	TOWN OF WAREHAM ABUTTERS					
MAP 18 LOT 1009	1009					
OWNER KEN	OWNER KENNETH A DELUZE & MARK VONER	ONER				
			The state of the s			77700000
		The state of the s	The state of the s			
MAP & LOT OWNER	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
37-1014	FOSTER HOWARD W	FOSTER ABIGAIL R	101 GREAT NECK RD	WAREHAM	MA	02571
18-1008/B	MCLEAN WILLIAM	MCLEAN SHARON	228 LUMBER ST	HOPKINTON	MA	01748
37-1014/A	DRUM SCOTT E	DRUM HOLLY C	103 GREAT NECK RD	WAREHAM	MA	02571
37-1013	MARVEL RAYMOND B	MARVEL RUTH E	105 GREAT NECK RD	WAREHAM	MA	02571
18-1008/C	BAKER KENNETH W	BAKER SANDRA	100 GREAT NECK RD	WAREHAM	MA	02571
37-1012	MAYNARD WILLIAM G III	MAYNARD MARTHA J	107 GREAT NECK RD	WAREHAM	MA	02571
18-1009	DELUZE KENNETH A	VONER MARK	PO BOX 489	S WEYMOUTH	MA	02190
37-1011	PRECOURT JAMES P		5 ANTONIO WAY	N. DARTMOUTH	MA	02747
18-1011	GARTE JASON		106 GREAT NECK RD	WAREHAM	MA	02571
18-1032	TOWN OF WAREHAM	KING CARL S	54 MARION RD	WAREHAM	MA	02571
18-1004/A	PERCHED INC		PO BOX 922	E WAREHAM	MA	02538
18-1014	ANDERSON RUSSELL	ANDERSON APRIL	110 GREAT NECK RD	WAREHAM	MA	02571
18-1033	GARTE JASON		106 GREAT NECK RD	WAREHAM	MA	02571
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REQUESTED BY	ВҮ					
BRIAN R GRADY R.S.	ADY R.S.					
G.A.F. ENGINEERING	VEERING					
BRIANG@G/	BRIANG@GAF-ENG.COM		-			

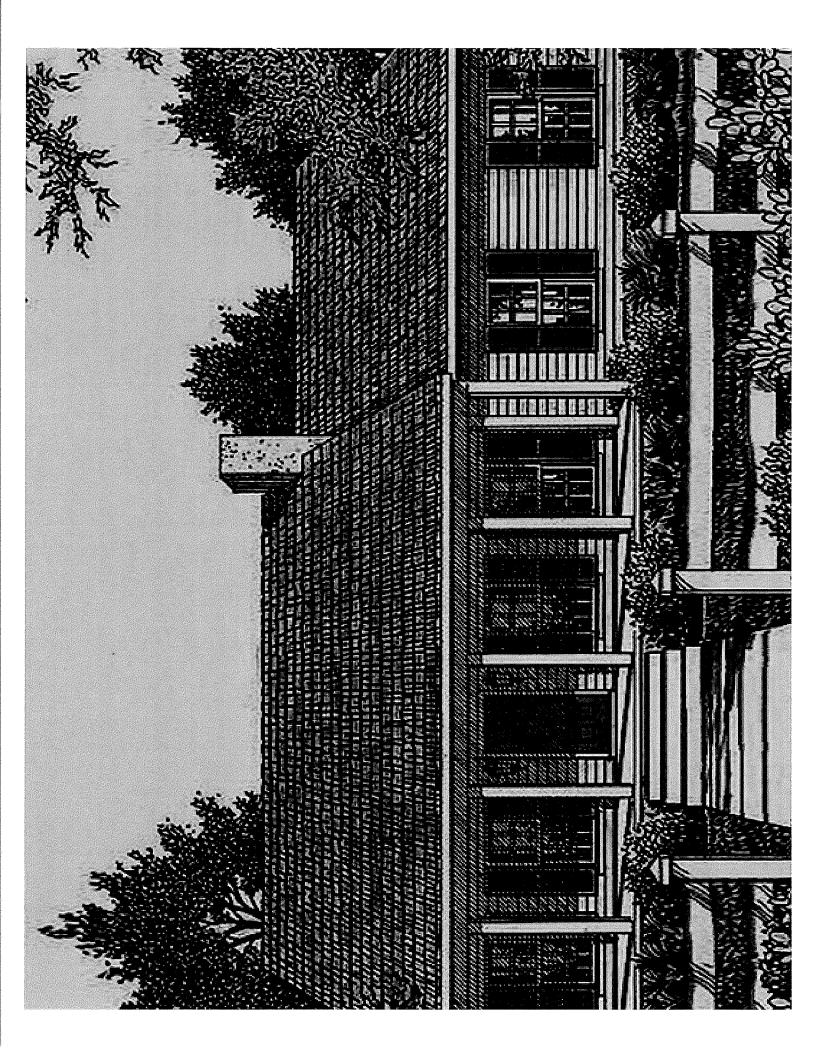


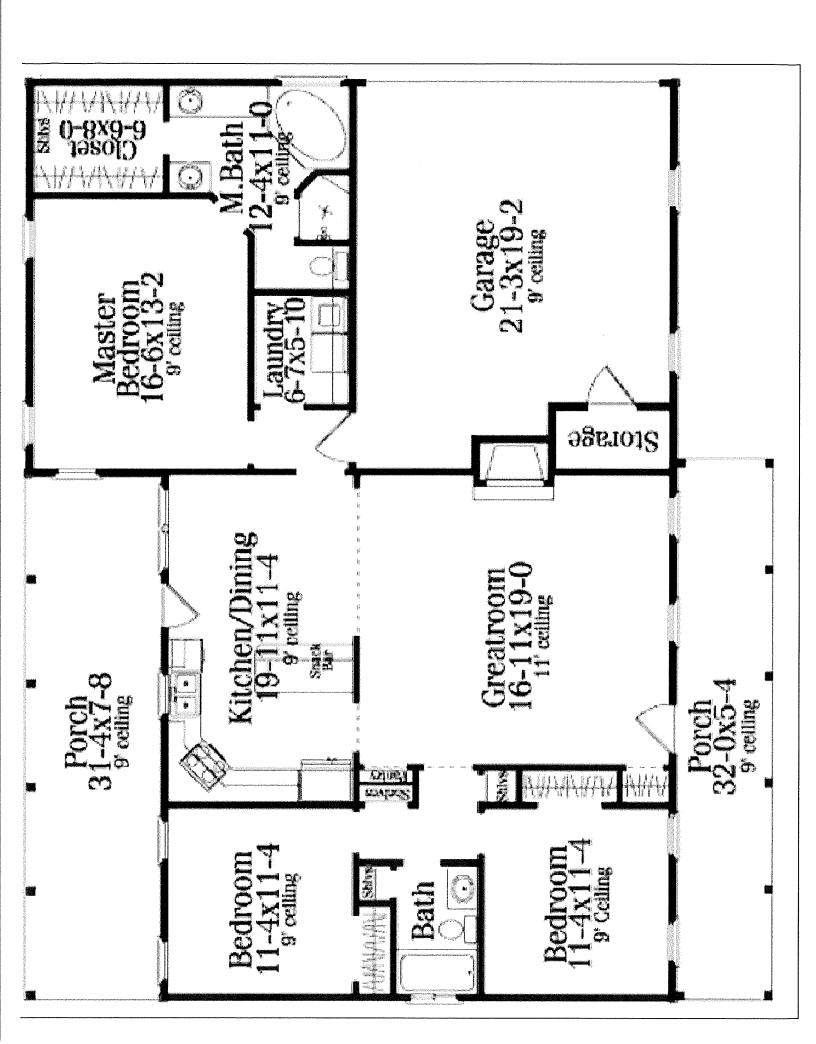
MapsOnline by PeopleGIS

Printed on 06/02/2020 at 08:28 AM

1010 06/02/2020 08:12 925 WAREHAM MA	SION	Assessed Value 87,400 105,900 200 193,500	r or Assessor	81,800 0 300 100,100	182,200 C	182,200	UKX Purpose/Result Vision Review Measured & Notice Vision Review Measured & Notice	26 Land Value 98,700 1,400	e: 100,100
State Use: 1010 Print Date: 06/02/2020 08:12 Assessed Value 81,800 100,100 WAREHAM MA		182,200 182,200 182,200 192,000 102,900,2018 1010 200,2018 1010 200,2018 1010 105,000 1010	cknowledges a visit by a Data Collect APPRAISED VALUE SUMMARY			lue		Calc Fact Adi Unit Price 1.00 1.00	Total Land Value:
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Bldg Name: Sec #: 1 of 1 Description RES BLDG RES LAND	RES OTHER	Tr. Code Assessed 2020 1010 2020 1010 2020 1010 2020 1010 2020 1010 2020 1010 2020	mount Comm. Int.	Approximation Ap	Tot Total		8	SECTION Notes-Adj 1.00 Notes-Adj	
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Account #	Other ID: Total Ac 1.17 District 11 S.C.E. S.C.E. S.C.T. M 267033 823000	SILC: M. 201753, 05.297. BK-VOL/PAGE 50604/115 2127/123	Amount	Tatal:	·	DIVIGUITA	Description /	Front Depth Units 43,560 0.17	Total Card Land Units: 1
TNECK		DELUZE KENNETH A CATTABRIGA ANNIE L	EXEMPTIONS Description	NBHD Name	1 LES IN ROOF		Issue Date Type De	Use Use Description . Zone D E FAMILY R60 1 E FAMILY R60 1	Total (
Property Location: 104 GREA Vision ID: 3715 CURRENT OWNER DELUZE KENNETH A VONER MARK PO BOX 489	S WEYMOUTH, MA 02190 Additional Owners:	RECC DELUZE KENNE CATTABRIGA AI	Year Type	NBHD/SUB 0060/A	INCLDS LOT 1031 18/1009 8/19 EXT DM/HOLES IN ROOF) () () () () () () () () () (Permit ID Iss	Use	

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KENNETH A BELUZE PO BOX 465	5-7017/2110	260
SOUTH WEYMOUTH, MA 02190	DATE / 3 / 20	<u> </u>
PAY TO THE ORDER OF	e Worken \$	300
		OLLARS 1 Security Features included. Details on Back
 Citizens Bank®	,	PLATINUM
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PAY TO THE ORDER OF	- 41/- 110	BA OC

PLATINUM

ሄk Citizens Bank°

MEMO 104 Open 1 751: 1400B0922011