

SPECIAL PERMIT & VARIANCE APPLICATION

TOWN OF WAREHAM ZONING BOARD OF APPEALS

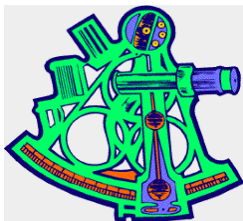
14 North Boulevard
Onset, MA 02558

August 10, 2021

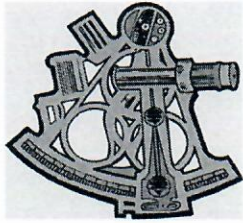
PREPARED FOR:

Joyce Wall
194 Laurel Avenue
Livingston, NJ 07039

PREPARED BY:



JC ENGINEERING, Inc.
Civil & Environmental Engineering
2854 Cranberry Highway
East Wareham, Massachusetts 02538
Ph. 508-273-0377 – Fax 508-273-0377



JC ENGINEERING, Inc.
Civil & Environmental Engineering
2854 Cranberry Highway
East Wareham, Massachusetts 02538
Ph. 508-273-0377 – Fax 508-273-0367

August 10, 2021

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

RE: Special Permit & Variance for 14 North Boulevard, Onset, MA

Dear Board Members,

On behalf of the applicant, Joyce E. Wall, Trustee of the Wall Family Living Trust, please find enclosed a Special Permit Application accompanied by supporting design drawing entitled "Plot Plan for Proposed Dwelling located at 14 North Boulevard, Onset, MA" revised through August 10, 2021 (Plan) for your review and approval. This property is shown as Lot 374 on Assessor's Map 1. The existing property contains a single-family home that has been damaged from a fire in September 2020. The applicant would like to raze and rebuild the single-family dwelling on approximately the same non-conforming footprint, with the addition of a deck on the rear of the structure. In accordance with the determination issued by the Building Commissioner, a Special Permit and Variance under Article 13, Section 1355, would be required for this proposed project.

Zoning Requirements

The property is located in the Onset Village Residential (OV-2) Zoning District. Below is a list of the various zoning requirements that classifies the lot and structure as being pre-existing non-conforming.

- In accordance with Article 6, Table 622, a minimum lot area of 10,000 square feet is required in this district, with a maximum building coverage equal to 20% of the lot area. The current lot contains 3,944 square feet and the building coverage is 22.6%.
- In accordance with Article 6, Table 628, minimum setback requirements for principal structures on lots 5,000 square feet and under are 10 feet from the side property line. The current side setback of the accessory structure is 2.4 feet.
- In accordance with Article 6, Table 628 (Village Districts), the maximum Floor Area Ratio (FAR) is 25% on lots sizes ranging between 0 and 5,000 square feet. The current floor area ratio 28.6%.

Special Permit Request

As outlined in Section 1355 of the Wareham Zoning Bylaws, the Board of Appeals shall find that the replacement structure will not be substantially more detrimental to the neighborhood than the existing structure, will not cause undue nuisance or congestion to the neighborhood, nor create any new non-conformities. For the following reasons, we feel that the reconstruction of this single family dwelling will neither substantially increase the nonconforming nature of the structure, nor be substantially more detrimental to the neighborhood

- The proposed dwelling will be constructed on approximately the same non-conforming footprint and will decrease the non-conforming side setback from 2.4' to 3.5'.
- A proposed 3 story dwelling is to be constructed in place of the existing 1 & 3/4 story dwelling. Due to this property being within a flood zone, the lowest habitable floor of the proposed dwelling will need to be built approximately 10 feet above grade level, creating a full height, 1 story lower enclosure. This is required per FEMA and state building code requirements. Although the lowest enclosure cannot be used as living space it is classified as floor area under the Zoning Bylaws and accounts for 21.2% of the total 62.2 % of the Floor Area Ratio.
- There will be no increase in traffic or noise to the neighborhood, as this dwelling is currently a single family dwelling and will remain a single family dwelling. The typical traffic from a single family dwelling will remain the same.

Variance Request

As outlined in Section 1470 of the Wareham Zoning Bylaws, the applicant shall demonstrate that the literal enforcement of the by-law would involve substantial hardship and that desirable relief may be granted without substantial detriment to the public good and without substantial derogating from the intent of the bylaw.

- A literal enforcement of the Wareham Zoning Bylaws would create a hardship to the property owners. Due to the non-conforming size of the property, this prevents the improvement of any building area on this property without seeking a permit from the Zoning Board of Appeals. The hardship that exists is due to the non-conforming size of this lot. The construction of this deck will also provide a second means of egress from the first floor. This proposed deck will increase the building coverage by approximately 1.8%.
- The proposed deck will not be more detrimental to the public good and will not derogate from the intent of the bylaw. This can be proven due to the fact that the building coverage, as proposed, is similar to the building coverage of nearby properties in the neighborhood. The use of the single family dwelling is residential, and is to remain

August 10, 2021

residential. Therefore, the proposed increase will be in harmony with the other dwellings in the neighborhood.

For the reasons stated above, we would appreciate your favorable vote on a Special Permit & Variance for the construction of a single-family dwelling, which is under the purview of this board.

Respectfully yours,

A handwritten signature in dark ink, appearing to read 'S. Iamele', with a stylized, sweeping flourish extending from the end.

Samuel J. Iamele, EIT
Project Engineer

Cc: File; Client

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)
- 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 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 \$80.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.11 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: 14 North Boulevard LOT: 1 MAP: 374
ZONING DISTRICT: OV-2
USE REQUESTED: Single Family Residential
OWNER OF LAND & BUILDING: Wall Family Living Trust TEL.# 973-936-2447
ADDRESS OF OWNER: 194 Laural Avenue, Livingston, NJ 07039
PERSON(S) WHO WILL UTILIZE PERMIT: Joyce Wall
ADDRESS: 194 Laural Avenue, Livingston, NJ 07039
DATE: 6/12/2021 SIGNATURE: Joyce Wall
This application was received on the date stamped here:

Town Clerk:	_____	Date:	_____
Tax Collector:	<u>Shane Hatten</u>	Date:	<u>6-15-21</u>
Planning/Zoning Dept.:	_____	Date:	_____
Application fee paid:	_____	Check #:	_____
Advertising fee paid:	_____	Check #	_____
Abutters fee paid:	_____	Check #	_____
		Receipt:	_____
		Receipt:	_____
		Receipt:	_____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: X Variance X Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: Joyce Wall

Applicant's Address: 194 Laurel Avenue, Livingston, NJ 07039

Telephone Number: 973-936-2447

Cell Phone Number: _____

Email Address: joycewall75@yahoo.com

Address of Property/Project: 14 North Boulevard

Landowner's Name: Wall Family Living Trust

Owner's Address: 194 Laurel Avenue, Livingston, NJ 07039

Telephone Number: 973-936-2447

Contact Person: JC Engineering Inc Telephone Number: 508-273-0377

Map 1 Lot 374 Zone OV-2

Date Approved _____ Date Denied _____

Comments: _____

14 NORTH BLVD

Location 14 NORTH BLVD

Mblu 1 / 374 / 1

Acct#

Owner BASS HENRY J & WALL JOYCE

Assessment \$216,800

Appraisal \$216,800

PID 330

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$90,000	\$126,800	\$216,800

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$90,000	\$126,800	\$216,800

Owner of Record

Owner BASS HENRY J & WALL JOYCE
Co-Owner NAPIER PATRICIA S TRUSTEES
Address 5 WOLF RD
BUZZARDS BAY, MA 02532

Sale Price \$1
Certificate
Book & Page 31948/0072
Sale Date 12/21/2005
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BASS HENRY J & WALL JOYCE	\$1		31948/0072	1A	12/21/2005
BASS HENRY J	\$1		3907/0213	UNKQ	07/02/1973

Building Information

Building 1 : Section 1

Year Built: 1900
Living Area: 722
Replacement Cost: \$149,537
Building Percent Good: 60

Replacement Cost

Less Depreciation:

\$89,700

Building Attributes

Field	Description
Style:	Conventional
Model	Residential
Grade:	Below Ave
Stories:	1 3/4 Stories
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	K Pine/Bead Bd
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Forced Hot Air
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	4
Bath Style:	Average
Kitchen Style:	Average
# of Fireplaces	1
Fireplace Type	01
Finish Bsmt SF	
Fin Bsmt Qual	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo

(<http://images.vgsi.com/photos2/WarehamMAPPhotos/\A00\03\22\98.jpg>)

Building Layout

(http://images.vgsi.com/photos2/WarehamMAPPhotos//Sketches/330_330.jp)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	638	638
FAT	Attic Finish	280	84
CRL	Crawl Space	638	0
FEP	Enclosed Porch	210	0
WDK	Deck, Wood	114	0
		1,880	722

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land**Land Use**

Use Code 1010
Description SINGLE FAMILY
Zone OVR
Neighborhood 0031
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.07
Frontage 0
Depth 0
Assessed Value \$126,800
Appraised Value \$126,800

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAT1	PATIO			88.00 S.F.	\$300	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$90,000	\$126,800	\$216,800
2020	\$86,200	\$126,750	\$212,950
2019	\$82,800	\$116,000	\$198,800

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$90,000	\$126,800	\$216,800
2020	\$86,200	\$126,800	\$213,000
2019	\$82,800	\$116,000	\$198,800

QUITCLAIM DEED

I, Joyce Wall, of 194 Laurel Avenue, Livingston, NJ 07039, as Trustee of the Fourteen North Boulevard Realty trust dated November 22, 2004

(hereinafter called the Grantor), of the one part, and

grant unto Joyce E. Wall, Johnnie R. Wall, Ashley N. Wall, and Marques R. Wall, Trustees of the Wall Family Living Trust dated September 10, 2020 and any amendments thereto, with a mailing address of 194 Laurel Avenue, Livingston, NJ 07039

(hereinafter called the Grantee), of the other part,

that the said Grantor for and in consideration of the sum of **ONE and 00/100 Dollar (\$1.00)** lawful money of the United States of America, unto her well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee, his heirs and assigns

with Quitclaim Covenants

ALL THAT CERTAIN land with the buildings thereon situated in Onset, Wareham, Plymouth County, formerly numbered as 78 North Boulevard, and now is known and numbered as 14 North Boulevard, in Onset, Wareham, Plymouth County

BEING the same premises conveyed to Virginia A. Bass and Henry J. Bass by deed of Anne Ginns Lesser dated May 25, 1973 and recorded in said Plymouth County Registry of Deeds in Book 3907, Page 213 and deed from Virginia A. Bass and Henry J. Bass to Henry J. Bass recorded at Plymouth County Registry of Deeds in Book 4256 Page 781

BEING the same premises conveyed to Henry J. Bass, Joyce Wall and Patricia S. Napier as trustees of the Fourteen North Boulevard Realty Trust dated November 22, 2004 in Book 31948 Page 72.

Witness my hand and seal this 3rd day of October, 2020.

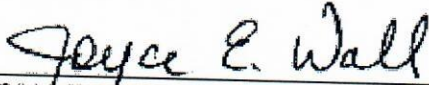
*** Electronic Recording ***

Doc#: 00130539

Bk: 54075 Pg: 277 Page: 1 of 2

Recorded: 12/24/2020 11:55 AM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds


**JOYCE E. WALL, Trustee of Fourteen
North Boulevard Realty trust dated
November 22, 2004**

MASSACHUSETTS EXCISE TAX

Plymouth District ROD #11 001

Date: 12/24/2020 11:55 AM

Ctrl#

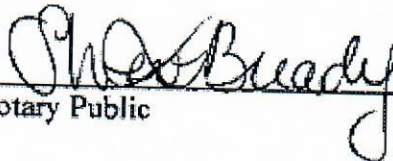
Fee: \$.00 Cons: \$1.00

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF MIDDLESEX) ss.
)

On October 3, 2020, before me, Sheri L. Bready, Notary Public in and for said county, appeared Joyce E. Wall who has satisfactorily identified herself as the signor to the above-referenced document.



SHERI L. BREADY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
August 26, 2027


Notary Public

TOWN OF WAREHAM ABUTTERS									
MAP 1 LOT 374									
OWNER WALL FAMILY LIVING TRUST									
MAP & LOT	COWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE			
1-1058	ANCTIL RYAN	ANCTIL VICTORIA	PO BOX 1568	ONSET	MA	02558			
1-377	COMSTOCK CHERYL LYN	LEWIS KEVIN BRIAN	PO BOX 539	ONSET	MA	02558			
1-1056	PRITCHARD JAMES W	PRITCHARD LESLIE I	80 MOOSEHORN RD	E GREENWICH	RI	02818			
1-375	GREENSTEIN MALCOLM N	GREENSTEIN SHEILA J	23 SUGAR HILL RD	NO HAVEN	CT	06473			
1-1055	BERGERON JAMES	EVANS ANDREA	17 CRESCENT PL	ONSET	MA	02558			
1-1023	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571			
1-374	WALL JOYCE + JOHNNIE R & ASHLEY N	+ MARQUES R TRUSTEE	194 LAUREL AVE	LIVINGSTON	NJ	07039			
1-373	BASS HENRY		5 WOLF RD	BUZZARDS BAY	MA	02532			
1-372	GRAF LEONARD W	GRAF MARY	2856 CRAN HWY	E WAREHAM	MA	02538			
1-357	NATIONAL SPIRITUALIST ASSOC OF	CHURCHES OF LILY DALE C/O PATRICIA CRAIG	PO BOX 1556	ONSET	MA	02558			
1-371	HERBST-THERMANN ANNETTE K	HERBST JEFF M	854 HEAD OF THE BAY RD	BUZZARDS BAY	MA	02532			
CERTIFIED ABUTTERS AS THEY									
APPEAR ON OUR TAX ROLLS									
AS OF 5/15/2021									
ASSESSORS OFFICE									
REQUESTED BY									
SAM IAMELE (JC ENGINEERING INC)									
508 273-0377									
SIAMELE@JCENG.COM									



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Building Commissioner

Henry J. Bass & Joyce Wall
C/o, Sam Iamele, J.C. Engineering
2854 Cranberry Highway
Wareham, MA 02538

August 5, 2021

RE: 14 North Boulevard (Raze and reconstruct)

Map # 1, Lot # 374

I have reviewed your application to modify the existing structure at 14 North Boulevard, in Wareham, MA. The proposal is not in compliance with current zoning regulations and must be denied at this time.

After careful review of your application, it is my understanding that you would like to raze your existing dwelling, in order to reconstruct a new single family dwelling on the same site. The structure does not comply with setback requirements at the northern property boundary, and you are proposing to increase the size of the structure in the same nonconforming location. This is considered an intensification and/or aggravation of a lawfully nonconforming structure, and requires a Special Permit from the Zoning Board of Appeals. If the Zoning Board finds that the proposal will result in a substantial detriment to the neighborhood, a Variance will be required.

In addition to the aforementioned nonconformity, the existing dwelling currently exceeds the allowable lot coverage, and floor area ratio, for the OV-2 zoning district. Your proposal intensifies those nonconformities, and they will each require a Special Permit from the Zoning Board of Appeals in order to proceed.

Summary:

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

- **Article 6, Table 622, Village Districts:** The proposed residential dwelling, does not comply with the side yard setback, and building coverage requirements for the OV-2 zoning district. Your proposal increases these nonconformities and requires a Special Permit from the Zoning Board of Appeals.

- **Article 6, Table 628, Village Districts:** You are proposing to increase the floor area ratio from 28.6% to 62.2% where 25% is permitted as of right. This is an intensification of the nonconformity and requires a Special Permit from the Zoning Board of Appeals.
- **Article 13 Section 1355 Non-conforming Structures:** A lawfully preexisting nonconforming residential structure may be demolished and reconstructed by way of Special Permit, provided that the Board of Appeals determines:
 - 1) The replacement structure will not be substantially more detrimental to the neighborhood than the existing structure.
 - 2) Replacement of the structure will not cause or contribute to any undue nuisance, hazard, or congestion in the neighborhood, zoning district, or town.
 - 3) The replacement structure will not intensify any of the following existing non-conformities: building coverage, impervious coverage, or setback encroachment.
 - 4) The replacement structure will not create any new non-conformities.

If the Zoning Board finds that the proposal will result in a substantial detriment to the neighborhood, or that it is not in compliance with any of the aforementioned criteria, a Variance will be required.

You must bring this letter to the Zoning Board office and apply for a hearing where you will request the necessary relief as mentioned above. If you are successful, you will be required to wait 20 days for the statutory appeal period to lapse; you will then need to record the ZBA decision with the Plymouth County Registry of Deeds; then apply for a new building permit to construct the addition and perform the work in accordance with the zoning approval. The existing permit application has been denied and will not be reopened to perform the requested work.

Respectfully,

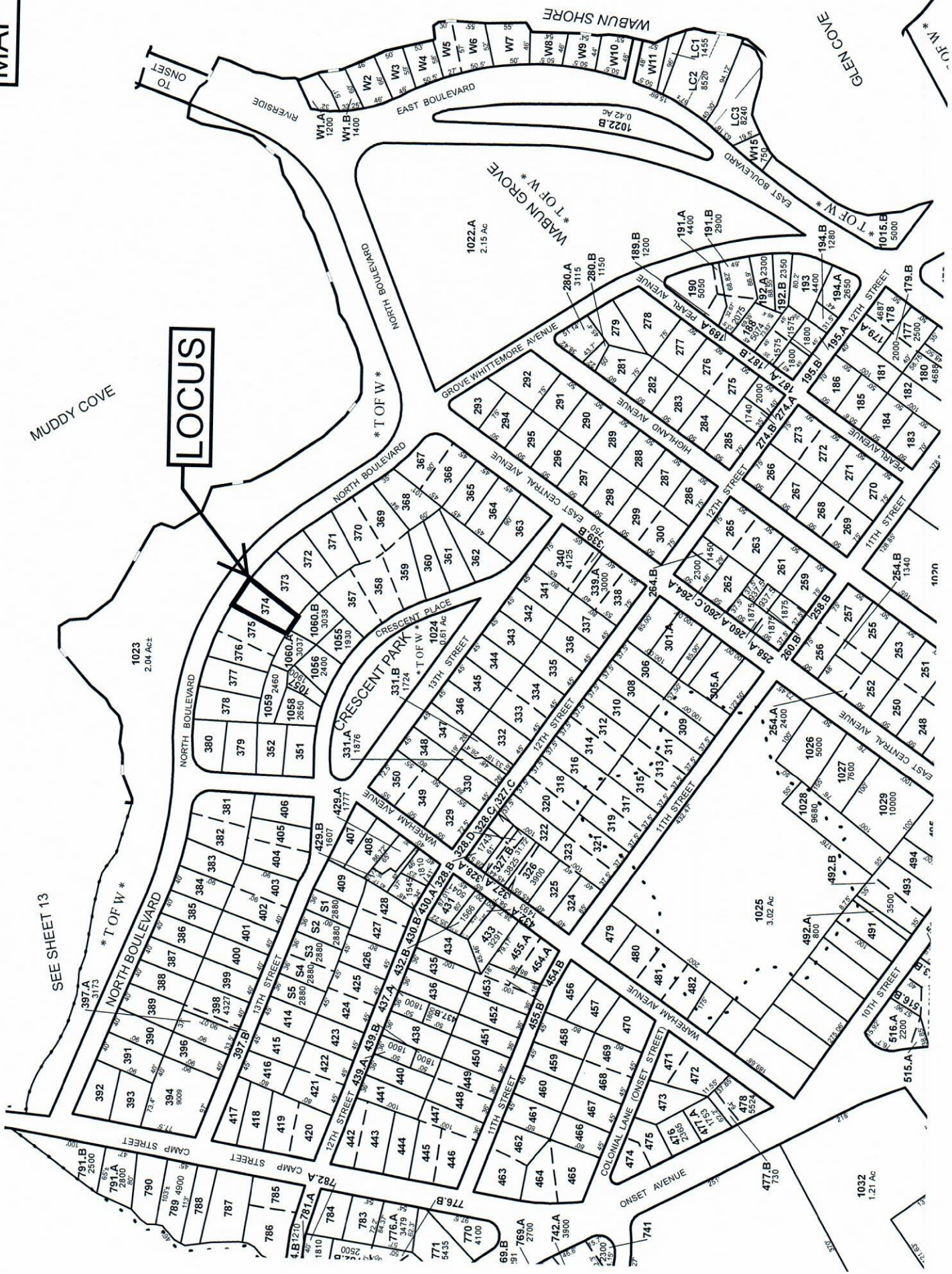


David Riquinha
Building Commissioner
Zoning Enforcement Officer

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.

MAP 1



Muddy Cove

LOCUS

SEE SHEET 13

1032
1.21 Ac

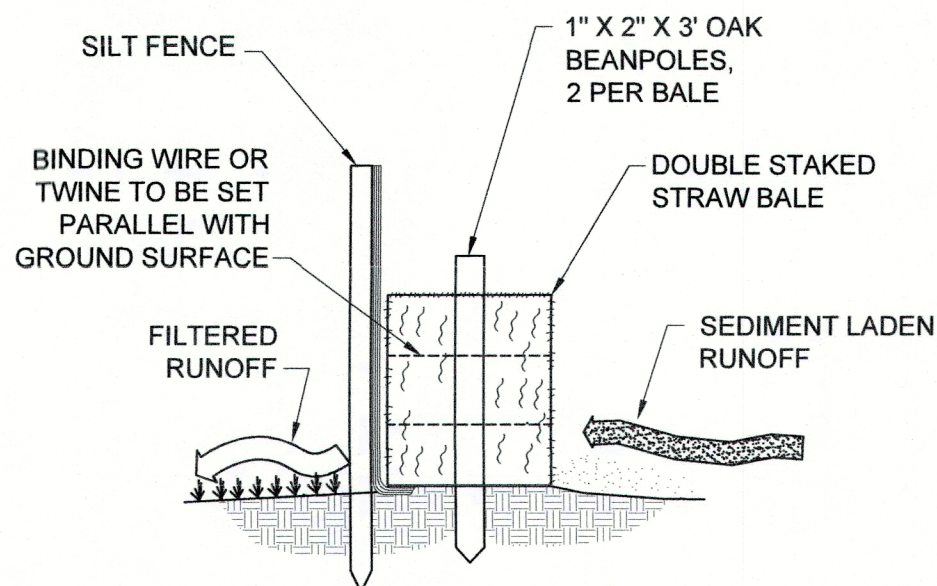
14 North Boulevard, Onset, MA



(Front View – Photo Taken 6-3-21)



(Rear View – Photo Taken 6-3-21)



CROSS SECTION OF HAYBALE LINE
NOT TO SCALE

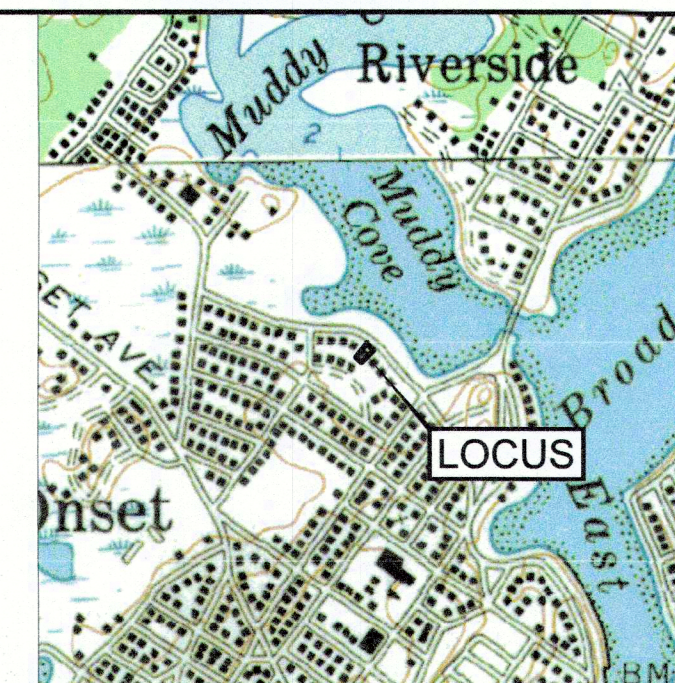
ZONING DISTRICT: ONSET VILLAGE RESIDENTIAL (OV-2)
3,944 S.F. ("EXISTING SMALL LOT")

	REQUIRED	EXISTING	PROPOSED
FRONT SETBACK =	*5.2'	6.1'	6.1'
SIDE SETBACK =	10' MIN.	2.4'	3.5'
REAR SETBACK =	10' MIN.	43.0'	32.1'
BUILDING HEIGHT =	35' MAX.	< 35'	< 35'
BUILDING COVERAGE =	20% MAX.	22.6%	24.4%
IMPERVIOUS SURFACE =	50% MAX.	53.5%	48.1%
FLOOR AREA RATIO =	**25% MAX.	28.6%	62.2%

*AVERAGE OF THE SETBACKS OF FIVE (5) RESIDENTIAL STRUCTURES ON EITHER SIDE OF THE SUBJECT PROPERTY.

**PER WAREHAM ZONING REGULATIONS SECTION 628 (DIMENSIONAL STANDARDS FOR EXISTING SMALL LOTS)

PROPOSED FLOOR AREA
LOWER ENCLOSURE = 836 S.F.
FIRST FLOOR = 836 S.F.
SECOND FLOOR = 783 S.F.
TOTAL = 2,455 S.F.



U.S.G.S. LOCUS MAP
SCALE: 1"=1000'

OWNER OF RECORD:
WALL FAMILY LIVING TRUST
194 LAUREL AVENUE
LIVINGSTON, NJ 07039

FEMA FLOOD ZONE (LOT):
AE (EL. 14)

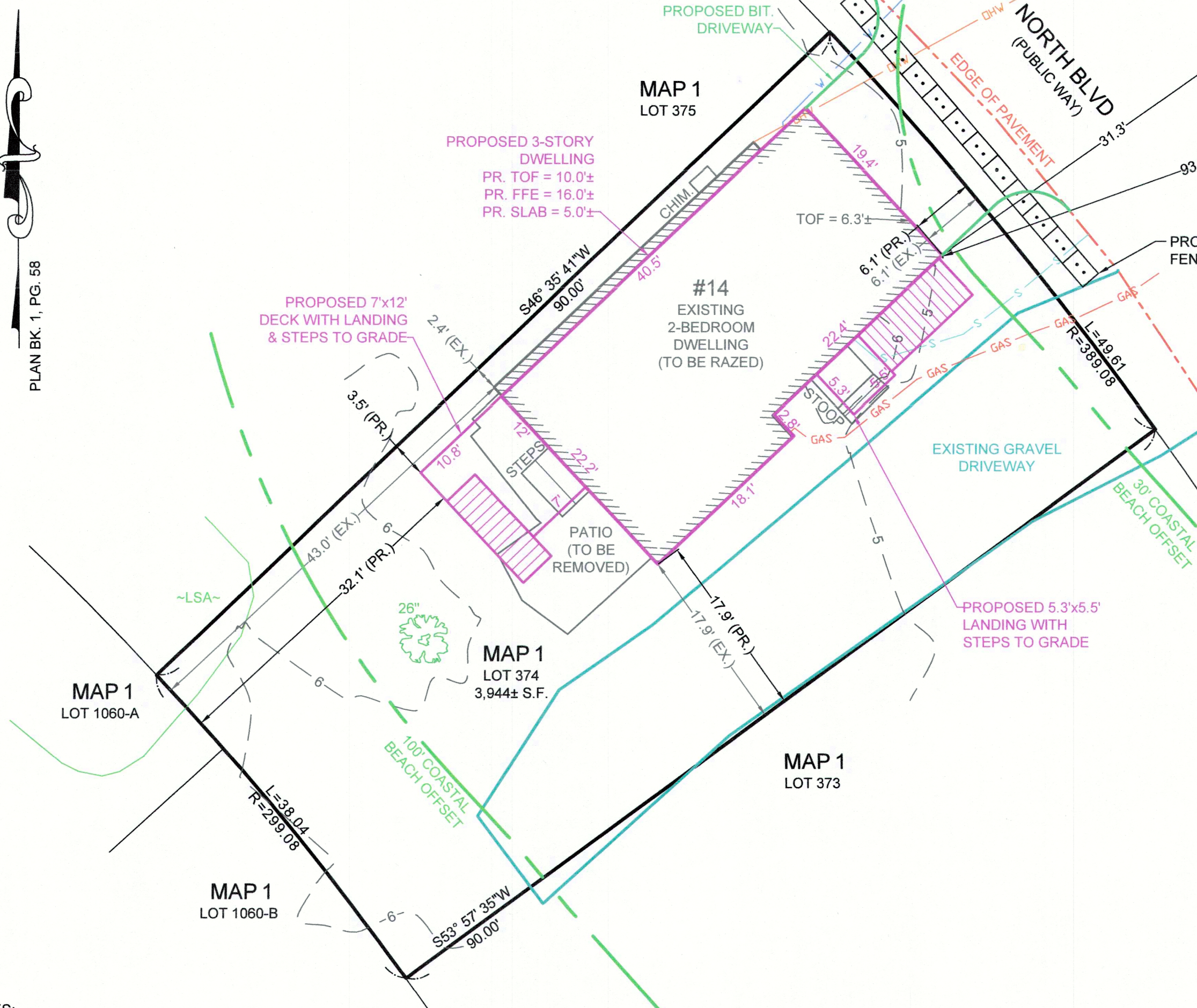
AS SHOWN ON COMMUNITY PANEL:
#25023C0581K (dated 2-5-2014)

ASSESSOR'S MAP & LOT:
MAP 1, LOT 374

DEED REFERENCE:
BOOK 54075, PAGE 277

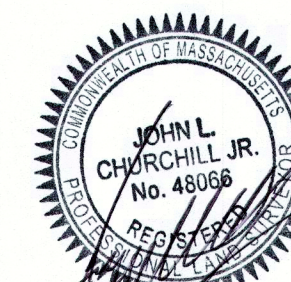
PLAN REFERENCES:
BOOK 1, PAGE 58
BOOK 4, PAGE 504

PLAN BK. 1, PG. 58



I hereby certify that the lot corners, dimensions, and setbacks to the PROPOSED DWELLING as shown on this plan are correct and were based on a field instrument survey. Conformance to the Town of Wareham By-Laws and Regulations shall be determined by the Zoning Enforcement Agent.

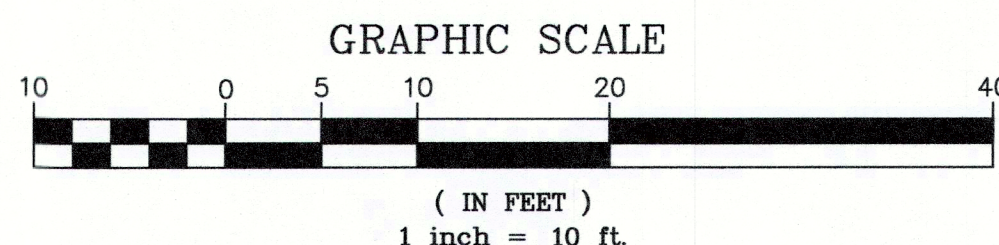
8/10/21
Date



Professional Land Surveyor

NOTES:

- 1.) MEAN HIGH WATER LINE, AS SHOWN ON THIS PLAN, WAS DELINEATED BASED ON THE BUZZARDS BAY NATIONAL ESTUARY PROGRAM INTERACTIVE TIDAL DATUM VIEWER.
- 2.) ALL UTILITIES SHOWN ON THIS PLAN ARE CONSIDERED APPROXIMATE ONLY.
- 3.) PROPOSED FIRST FLOOR ELEVATION TO BE AT OR ABOVE ELEVATION 15.0'.



PLOT PLAN

FOR
PROPOSED
DWELLING

AT

14 NORTH BOULEVARD
ONSET, MA 02558

PREPARED FOR:
JOYCE WALL

PREPARED BY:
JC ENGINEERING, INC.
2854 CRANBERRY HIGHWAY
EAST WAREHAM, MA 02538

SCALE: 1" = 10' JUNE 14, 2021
(REV 1: AUGUST 10, 2021)