

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:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o 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 \$100.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 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: 29 Bay St LOT: 110 MAP: 3  
ZONING DISTRICT: MR-30  
USE REQUESTED: Increase in non-conforming floor area to 38.5%  
OWNER OF LAND & BUILDING: Mark Gagne TEL# 203 606 3524  
ADDRESS OF OWNER: 29 Bay St, Wareham MA  
PERSON(S) WHO WILL UTILIZE PERMIT: Mark Gagne + Family  
ADDRESS: 29 Bay St, Wareham MA  
DATE: 4/7/2021 SIGNATURE: ML Gagne

This application was received on the date stamped here:

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_  
Tax Collector: \_\_\_\_\_ Date: \_\_\_\_\_  
Planning/Zoning Dept.: \_\_\_\_\_ Date: \_\_\_\_\_  
Application fee paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_  
Advertising fee paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_  
Abutters fee paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One: \_\_\_\_\_ Variance  Special Permit \_\_\_\_\_ Site Plan \_\_\_\_\_ Appeal \_\_\_\_\_

Date stamped in: \_\_\_\_\_ Date decision is due \_\_\_\_\_

Applicant's Name: Mark Gagne

Applicant's Address: 29 Bay St, Wareham MA ~~02588~~ 02558

Telephone Number: 203-606-3524

Cell Phone Number: Same

Email Address: markgagne@snet.net

Address of Property/Project: 29 Bay St, Wareham MA 02588

Landowner's Name: Gloria Gagne / Life Estate

Owner's Address: 1947 Peck Lane, Cheshire CT 06410

Telephone Number: 203 439 2585

Contact Person: Mark Gagne Telephone Number: 203 606 3524

Map # 3 Lot # 110 Zone MR-30

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## REQUEST STATEMENT FOR NON-CONFORMING FLOOR AREA RATIO EXPANSION

Mark Gagne, 29 Bay Street, Onset, MA 02558 – 203-606-3524 – [markgagne@snet.net](mailto:markgagne@snet.net)

Dear Wareham Zoning Board of Appeals, I am requesting an increase to our floor area ratio.

A 30% floor area ratio is permitted in our existing small lots residential district (MR-30).

We wish to use our basement storage area for a TV and recreation/exercise equipment room measuring 16' x 22' in size. This will add 352 square feet of living space an increase of 8.5% floor area.

The basement is located under existing structure and is accessible by outdoor bulkhead and interior stairway. There are 6 basement windows in foundation for natural lighting and ventilation.

House is not in a flood plain and is serviced by city water and sewer.

We have included 3 letters from our neighbors on Bay St supporting our usage increase request.

Thank you,

Mark Gagne

29 Bay St

Onset, MA 02558

April 26, 2021

## NEIGHBOR APPROVAL STATEMENT FOR FLOOR AREA USE RATIO INCREASE

George Beals, 33 Bay Street, Onset, MA 02558

Dear Wareham Zoning Board of Appeals, I am writing in support of the Gagne family's request for an increase to floor area use ratio at their home located at 29 Bay St, Onset, MA to use their basement storage area for a TV and recreation/exercise equipment room measuring 16' x 22' in size.

Thank you,

A handwritten signature in black ink, appearing to read "George Beals", written in a cursive style.

George Beals

33 Bay St

Onset, MA 02558

April 26, 2021

## NEIGHBOR APPROVAL STATEMENT FOR FLOOR AREA USE RATIO INCREASE

William Jordan, 27 Bay Street, Onset, MA 02558

Dear Wareham Zoning Board of Appeals, I am writing in support of the Gagne family's request for an increase to floor area use ratio at their home located at 29 Bay St, Onset, MA to use their basement storage area for a TV and recreation/exercise equipment room measuring 16' x 22' in size.

Thank you,

A handwritten signature in black ink that reads "William Jordan". The signature is written in a cursive, flowing style.

William Jordan

27Bay St

Onset, MA 02558

April 26, 2021

## NEIGHBOR APPROVAL STATEMENT FOR FLOOR AREA USE RATIO INCREASE

Janet Jones, 30 Bay Street, Onset, MA 02558 (508) 291-7427

Dear Wareham Zoning Board of Appeals, I am writing in support of the Gagne family's request for an increase to floor area use ratio at their home located at 29 Bay St, Onset, MA to use their basement storage area for a TV and recreation/exercise equipment room measuring 16' x 22' in size.

Thank you,

A handwritten signature in cursive script that reads "Janet Jones".

Janet Jones

30 Bay St

Onset, MA 02558

April 26, 2021

**PLAN PURPOSE:**  
 THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE LOCATION OF THE PROPOSED LANDINGS AND STEPS.



4/24/21  
 RAG

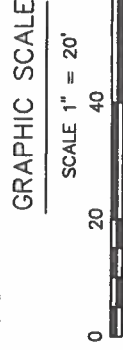
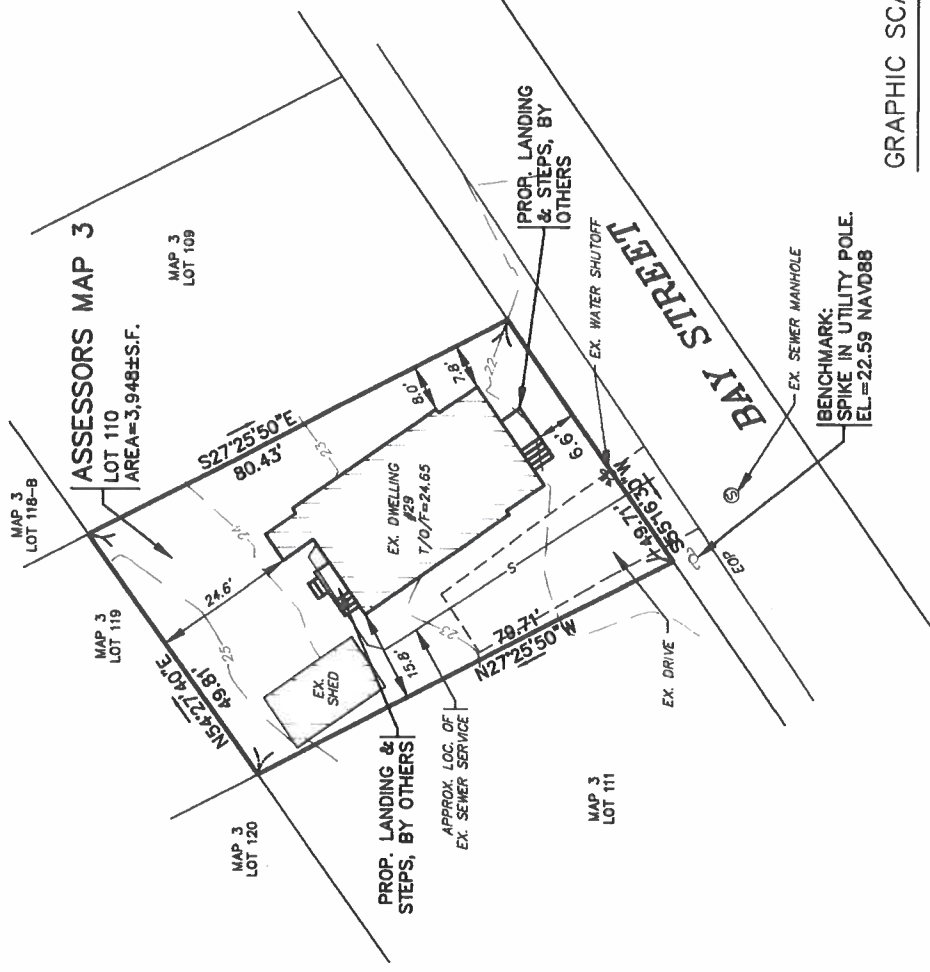
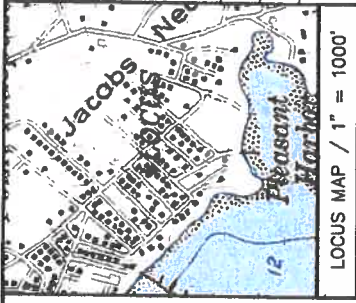
**LOT DATA:**  
 ASSESSORS MAP: 3 / LOT 110  
 ADDRESS: 29 BAY STREET

**OWNER:**  
 MARK GAGNE  
 29 BAY ST.  
 BUZZARDS BAY, MA 02532

**ZONING DATA:**  
 ZONE: MULTIPLE RESIDENCE 30 (MR-30)

**SETBACKS:**  
 MINIMUM LOT AREA: 30,000 S.F.  
 MINIMUM FRONTAGE: 150'  
 MINIMUM FRONT SETBACK: 20'  
 MINIMUM SIDE SETBACK: 10'  
 MINIMUM REAR SETBACK: 10'  
 MINIMUM BUILDING HEIGHT: 35'  
 MAXIMUM BUILDING COVERAGE: 25%  
 FLOOR AREA RATIO: 30%

<b>PLAN TO ACCOMPANY SPECIAL PERMIT APPLICATION</b> PREPARED FOR: MARK GAGNE 29 BAY STREET BUZZARDS BAY, MA		<b>DWG. 1 OF 1</b>
<b>G.A.F. ENGINEERING, INC.</b> PROFESSIONAL ENGINEERS & LAND SURVEYORS 286 MAIN STREET - WARREN, MA 02571 TEL: (508) 285-6000 FAX: (508) 285-6034 E-MAIL: gengineering@earthlink.net or gengineering@earthlink.com		
DATE: APRIL 22, 2021 DRAWN BY: JMP SCALE: 1" = 20' CHECKED BY: RAB	REV. DATE BY APP'D DESCRIPTION	



14" X 14" DRAWINGS PER PLANIMETER (1" = 400') (CUSTOMER'S COPY) 4/24/21







# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Director of Inspectional Services

---

Mark Gagne  
52 Stoney Hill Rd  
Cheshire Ct, 06410

November 16, 2020

RE: 29 Bay Street.

Map # 3, Lot # 110

I have reviewed your permit application and it does not comply with current zoning requirements. You are increasing the non-conforming floor area ratio and the permit must be denied at this time.


Your proposal increases the non-conforming floor area ratio from 31.5% to 34.75% where 30% is permitted. The proposal requires a Special Permit from the Zoning Board of Appeals unless the Board finds that the project is substantially more detrimental to the neighborhood in which case a Variance will be required.

The submitted permit application documents, which include a site plan by G.A.F. Engineering labeled "Job no 17-8925" comprised of one page and dated May 30, 2019, are being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 628, Existing Small Lots in Residential Districts;** a 30% floor area ratio is permitted for lots up to 5000 square feet in the residential zoning districts. Your proposal exceeds the permitted value and will require the aforementioned relief in order to proceed.
- **Article 13, Section 1352, Non-Conforming Structures,** Intensification of a lawfully non-conforming residential structure requires relief from the zoning Board of Appeals. A Special Permit is required unless the Board of Appeals finds that the expansion will be substantially more detrimental to the neighborhood, in which case a Variance may be required.

The subject dwelling is located in the MR-30 Zoning district.

Respectfully,

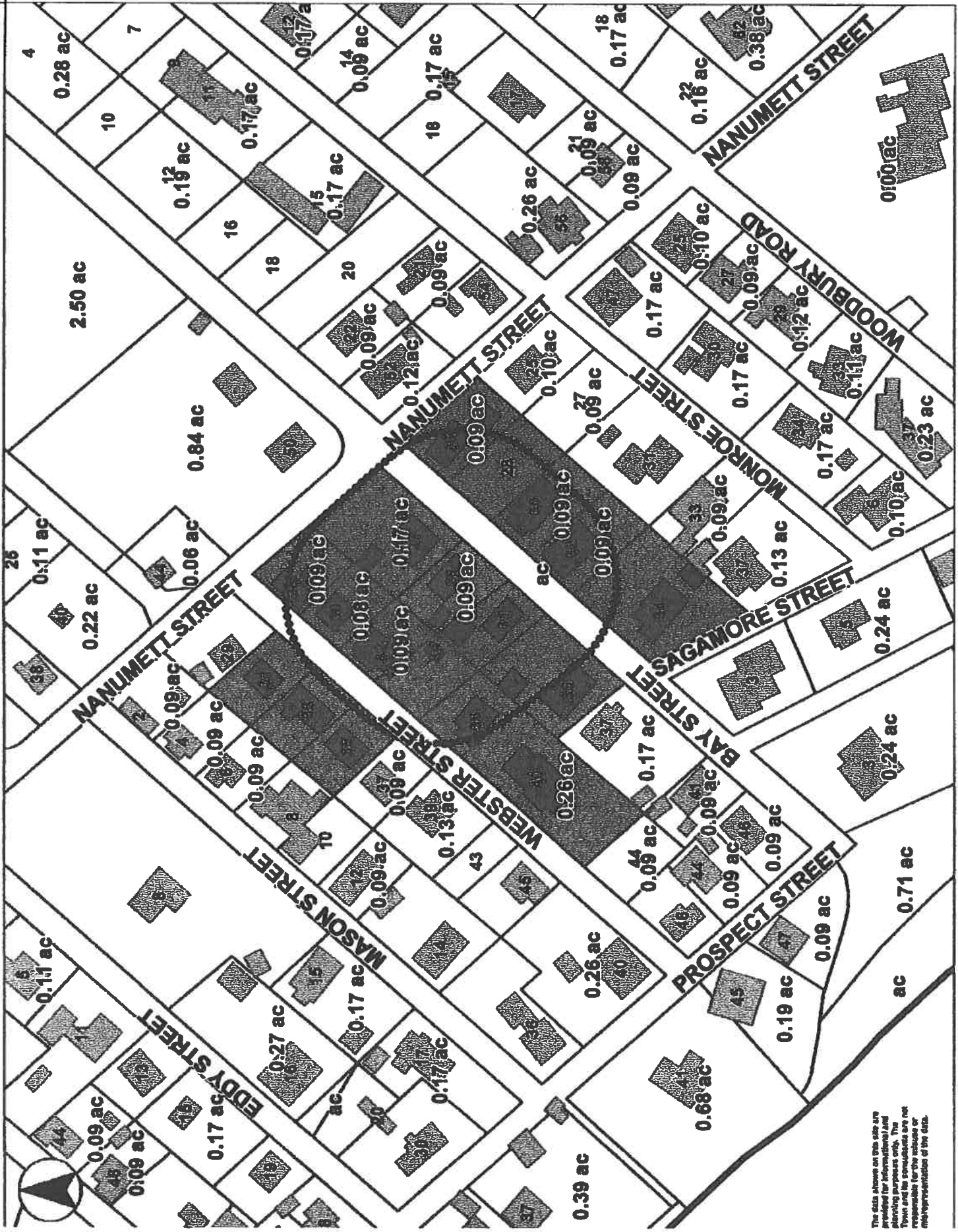
  
David Riquinha  
Building Commissioner  
Zoning Enforcement Officer

**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.**



- MA Places
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Post Office
- Bus Stop
- Public
- Tram Boundary
- MA Highway
- MA Interstate
- US Highway
- Numbered Road
- Streets
- Subway
- 0-4 ft
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Abutting Town Labels
- Abutting Towns



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the accuracy or misrepresentation of the data.

212349

Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
17 DEC 2002 02:05PM  
JOHN R. BUCKLEY, JR.  
REGISTER  
Bk 23709 Pg 32-33

QUIT CLAIM DEED-SURVIVORSHIP-LIFE ESTATE

I Gloria F. Gagne of the Town of Cheshire, County of New Haven and State of Connecticut hereinafter referred to as the Grantor, for the consideration of one (\$1.00) DOLLAR, and other good and valuable considerations, the sufficiency of which are hereby acknowledged, grant to Mark Gagne and Colleen Gagne and unto the survivor of them also of the Town of Cheshire, County of New Haven and State of Connecticut hereinafter referred to as the Grantees, reserving, however, unto myself, a life estate in the property described and transferred herein, with QUIT CLAIM COVENANTS:

All that certain piece or parcel of land with all of the buildings and other improvements thereon situated in the Town of Wareham, County of Plymouth, and State of Massachusetts and known as #110 Bay Street, and described as follows:

"the land in Wareham, in that part of Onset known as Point Independence bounded and described more particularly as follows:

That part of said Wareham known as Nanumett Heights shown as Lot Number One Hundred and Ten (#110) on a plan of said Nanumett Heights drawn by Thomas A. Churbuck C. E. and recorded with Plymouth County Deeds in Plan Book 1 at page 132, said Lot being bounded as follows:

NORTHERLY: by lot Number One Hundred and Nine (#109) seventy-five (75) feet;

EASTERLY: by Bay Street as shown on said Plan fifty (50) feet;

SOUTHERLY: by Lot Number One Hundred and Eleven (#111) seventy-five (75) feet;

WESTERLY: by Lot Number One Hundred and Nineteen (#119) fifty (50) feet;

the corners of said Lot being marked by stakes placed by G. F. Morse, Surveyor, in the course of a survey made in 1922 to correct errors or omissions in the above-mentioned plan."

For title reference, see Deed recorded with Plymouth County Registry of Deeds, Book 1862, Pages 597-598, and Estate of Carl O. Bergenheim, Suffolk Probate No. 469741.

Witness my hand and seal on this 29<sup>th</sup> day of November 2002.

Gloria F. Gagne  
Gloria F. Gagne

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this day of \_\_\_\_\_, 2002.

Signed, sealed and delivered in the presence of:

Jennifer Henry Cheshire  
Jennifer Henry  
Tom Stevens Wallingford  
STATE OF CONNECTICUT )

) at Cheshire

COUNTY OF NEW HAVEN )

On this the 29<sup>th</sup> day of November, 2002 before me, Thomas E. Stevens, the undersigned officer, personally appeared Gloria F. Gagne, who is known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purpose therein contained, as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Thomas E. Stevens  
Thomas E. Stevens  
Commissioner of the Superior Court

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

TRANSACTION NO. 250      VJP 43

Recorded..... 12-17-02 02:05PM

Instrument..... 212349  
 Book-Page..... 23709-32  
 Fee..... 45.00  
 Consideration.. NOMINAL  
 Grantor(s).....  
 GAGNE GLORIA F  
 Grantee(s).....  
 GAGNE MARK  
 GAGNE COLLEEN  
 Town..... WRMH  
 Type..... DEED

INSTRUMENT FEES	45.00	
POSTAGE	2.00	
RECORDING FEES		47.00
EXCISE STAMPS		0.00
TOTAL DUE		47.00
CASH	47.00	
TOTAL TENDERED		47.00
TOTAL PAID		47.00

We recommend a post-recording rundown