
THE LAW OFFICES OF BELLO & MORTON, LLC

184 Main Street Wareham, Massachusetts 02571 – 508-295-2522

September 11, 2023

Zoning Board of Appeals of Wareham

57 Marion Road

Wareham, MA 02571

Re: 34-23 Todd & Maria Delgado - Use Variance & Appeal - 3 Michael Drive

Dear Mr. Elkallassi and Board Members

I represent Mr. Karl Sabourin of 4 Dianne Drive, East Wareham, MA. We are opposed to the project at 3 Michael Drive by Todd and Maria Delgado seeking to build a private residential pier/dock on a vacant lot. In opposition to such Petition we present the following:

Background:

The property in question 3 Michael Drive is located on a dead-end road which abutters Agawam Mill Pond. The neighborhood is 100% residential and is located in the R-130 district. My client lives at 4 Dianne Drive the cul-da-sac which is directly across from this parcel. My client's family have owned their property across the street for almost 37 years and been long time Wareham residents. Mr. Karl Sabourin works at the new Wareham Elementary School here in town.

The Petitioner seeks to invoke relief from the Building Commissioners letter which is clear that "construction of an accessory structure on a vacant land is not allowed by definition." The Petitioner has filed a Use Variance and Appeal and their engineers in a letter dated August 8th to the Board gives their "reasons" for the appeal and if the Board does not agree, their argument that that the lot meets the Variance threshold.

We believe the law does not allow for this structure so the Appeal from the decision should be denied and that the lot does not meet the standards for a Variance under 1470 and 1471. I have inserts the sections for convenience as we look at this case set forth by the Petitioner and our opposition.

Relevant Laws under the Wareham Zoning By-Law:

1470 VARIANCES The Board of Appeals shall have the power to hear and decide applications for Variances from the provisions of the Zoning By-Laws, including the power to grant a Variance authorizing a Use or activity not otherwise permitted in the district in which the land or structure is located. A Variance may be granted when factors relating to soil conditions, lot shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a site or location that previously conformed to zoning requirements. An applicant must demonstrate that a literal enforcement of the By law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

1471 USE VARIANCES The Board of Appeals is specifically empowered to grant Variances from the restrictions imposed by this By-Law as to use.

Our Opposition:

1. The Petitioner is incorrect that the Town Zoning By-Laws do not prohibit the dock on a vacant lot.

The Wareham Zoning By-Law is explicit in Article 3 of the Use Regulations:

313 PROHIBITED USES

A use listed as prohibited in Section 320 shall not be permitted in the district for which it is so specified. In addition, a use which is not specifically authorized in a district and which is inconsistent with the intent of that district shall be prohibited.

This use “ is not specifically authorized in the R-130 district. The R-130 District Agricultural Residential was specifically zoned for residential and light agricultural whereas the lot size required is 130,000 square feet for single family builds. This lot in question per the plot plan submitted is 16,050 square feet.

Furthermore, to discuss the other 15 lots referenced in the Petitioner's counsel and engineer letter, I researched all of these parcels including reviewing the GIS maps, Wareham Assessor's Database and the Plymouth County Registry of Deed. I am of the opinion that **none of these referenced are comparable to 3 Michael Drive and therefore should be disregarded as evidence that this Petition should be granted.** I have attached as Exhibit A, print outs in support for the Board to review. And have the following points to bring to the Board's attention:

1. NONE of the lots are in the R-130 district. 13 out of the parcels listed are in R60 District. The others are 0 Cromesett Rd is the R-30 and the other 0 Wild Rose is in MR-30, respectively.
2. My research has found that the all 11 out of the 15 are owned by either direct abutting properties or properties across the street. 0 Cromesett Road is owned by a Preserve Association Trust which is compiled of the neighbors off of Cromesett Road. Similarly, 0 Wild Rose is owned by the Nanumett Shore Improvement Association. The last property was sold by Mr. John Decas to the Buzzards Bay Coalition (16R Winship Ave) , his property abuts this lot as well. The Petitioners of this application do not own any property nearby or in Town.
3. 14 of the parcels cited are vastly larger than the square footage of 3 Michael Drive.
4. All of these locations referenced are abutting either Onset Bay, Shellpoint or the Weweantic River which flow out into the open waters fairly quickly. The Agawam Mill River location on 3 Michael Drive where this proposed is sandwiched between many houses, highways and land.

Therefore, the use is not allowed and the 15 other properties that the Petitioner through counsel and their engineers cite are not representative as evidence that this petitioner should be allowed to build a pier/dock on his property.

2. The Petitioner has not met the Statutory requirements under our bylaw and therefore a Variance should be denied.

The Petitioner argues per the August 8, 2023 letter the following in support of a Variance being approved.

“Said variance could be issued upon hardship resulting from soil conditions. Specifically, the poor soil conditions on the lot support a significant amount of wetland... as such it is not practical to construct a single-family home on the lot.”

In response:

This lot is not buildable for many reasons not only due to the wetlands but also the size. As stated for the lot is 16,050 square feet in a district where you need 3-acre zoning to build a single family. The soil conditions are not to blame for the variance being granted. The Petitioners purchased the lot in 2020. I have attached the listing here to review for the Board. Unfortunately, due diligence would have found that this parcel is unbuildable. After doing an initial title search I have found that the following: Bryan Reis (the prior owner) purchased this lot from the Town in 2014 who had acquired such property from a tax taking from the prior owners the Darmetko's who had owned it since 1973 (Exhibit B).

Therefore, this lot's wetland topography does not open the door for the variance to be approved. This is a slippery slope with Wareham having miles and miles of shore.

The Petitioner claims that if denied they will suffer financial hardship severely limiting the use of their property for boat access.

In response:

The hardship here is self-imposed. The lot was not marketed as being able to have full boat dock access. The Town is not under obligation to give vacant landowners rights to have boat launches. There are two other free boat launches to Agawam Mill Pond – including Agawam Mill Pond Boat Launch (motorized boats) and Whitlock's Landing (non-Motorized Launch).

The intent of the by-law is clear here to discourage this type of development in a private neighborhood. The Petitioners have other options for launching their boat. In addition, our concern is that if this approved that in several years the Petitioners will come back looking for an accessory structure or camp building.

The Petitioner does not mention the two other requirements under our bylaw per 1470: "and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law." The Petitioner does not meet these two requirements under our bylaws or statute.

3. The desired relief will cause substantial determinant to the Neighborhood:

Attached to this Petitioner are 5 separate letters describing in detail the determinant that this pier/dock would do to the neighborhood (Exhibit C). This includes traffic, noise, and safety to disabled residents and children alike.

My client Mr. Sabourin has extensive knowledge of this lot having been his home for over 30 years- specifically as to how it relates to the Conservation Commission's approval of this Order of Conditions. In his letter he mentioned that Mr. Pichette, our prior Conservation Agent, spoke to several potential buyers regarding 3 Michael Drive, and that in his opinion nothing could be built there to disturb the wetlands.

Further this would become an "attractive nuisance" to the neighborhood. Attractive nuisance is a dangerous condition on a landowner's property that may particularly attract children

onto the land and pose a risk to their safety. The property owners do not own the abutting property like the other examples they quoted. There is no fence proposed per the plan. In another abutters letter, Ms. Tracie Williams, brings to light that her son is deaf and disabled, she mentions that the "neighborhood consists of two special needs adults, four young children, and three elderly people, one with dementia." Therefore, the dock itself would be an attractive nuisance for at risk children and individuals as well as boat traffic. Another letter by Ms. Mackenzie Lewin, mentions that the children play freely with basketball hoops, and this is a dead-end quiet street.

The detriment in this case is crystal clear that the Petitioners have not even mentioned in their petition. We implore the Board to seriously consider the safety of the nearby residents.

Lastly, as mentioned already in this opposition – our bylaws are explicated under Section 313 regarding prohibited uses. If this variance is approved, it will nullify the intent of the bylaws whereas if a use is not described then it is deemed prohibited. This precedent would not be in the best interest of the Town and future applicants using that against the Board.

All things considered, allowing this Variance would be detrimental to the neighborhood and would derogate from the intent of the Zoning By Laws.

Respectfully submitted,

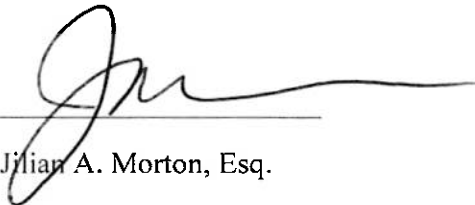
By  _____
Julian A. Morton, Esq.

EXHIBIT A



Layers Find

Owner:
 Parcel ID:
 Address:

Clear

Parcel Summary

Parcel ID	Address	Owner
54-19	165 CROMESETT RD	THOMAS JAMES D T

Information

Zoom To

LOC_ID	M_263757_831877
Parcel ID	54-19
cs_order	7842
PID	7842
VISION_ID	7842
Address	165 CROMESETT RD
ST_NAM	CROMESETT RD
ST_NUM	165
JNIT_NUM	
ACCT_NUM	
MAP	54

N/F/
SCOTT BLAGDEN
REAL ESTATE, LTD.

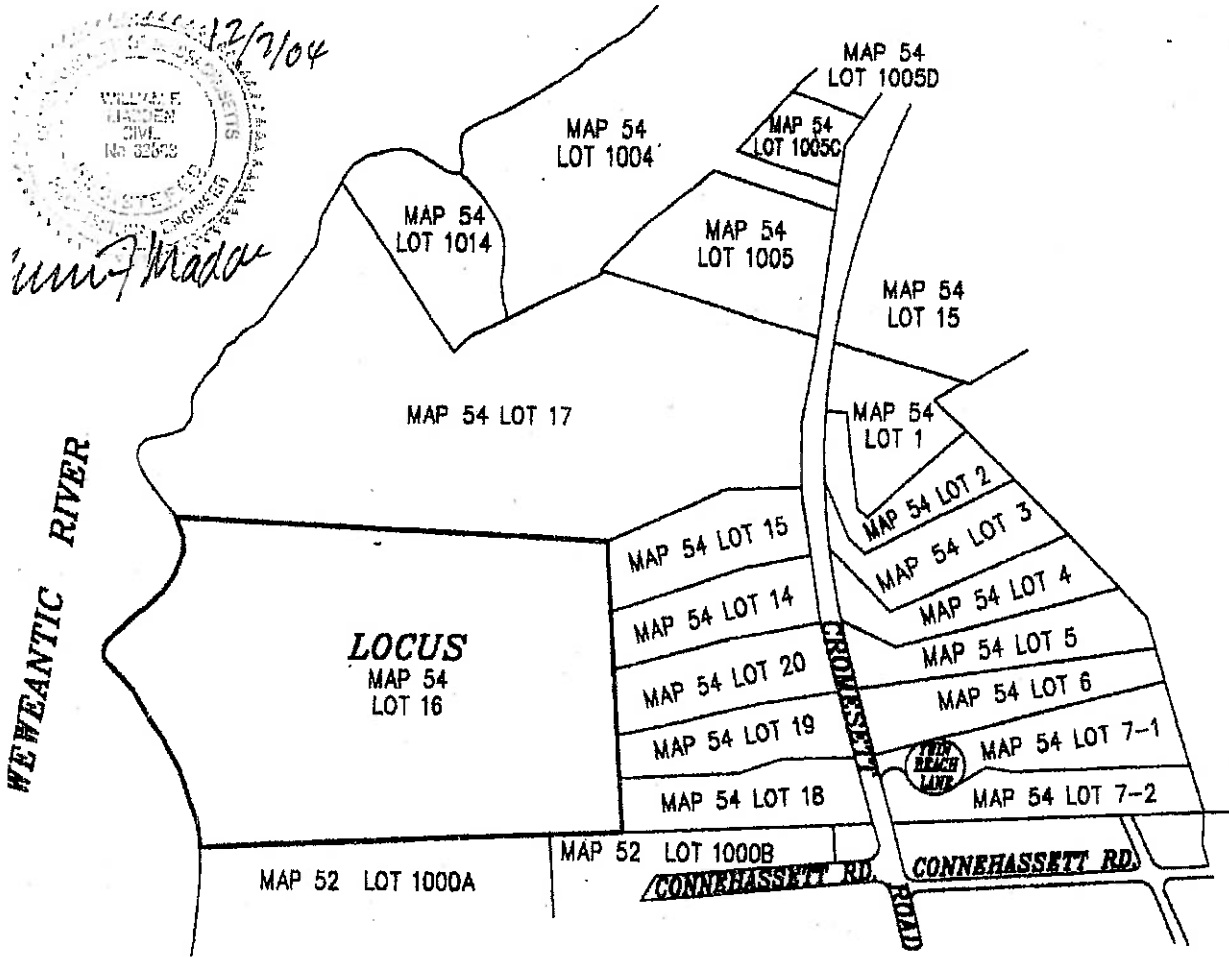
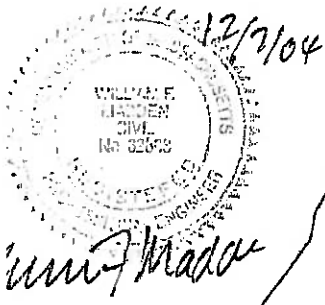
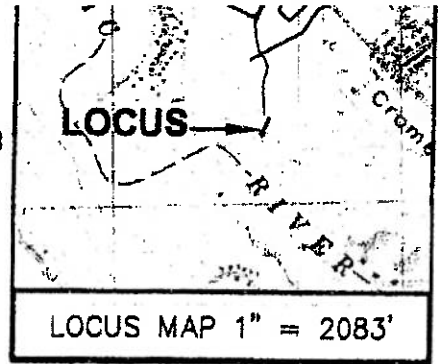
MAP 54 LOT 19
N/F/
JAMES D. THOMAS,
TRUSTEE
OF THE 165
CROMESETT ROAD
REALTY TRUST

LEONARD G. &
PAULA M. BOUTIN

MAP 54 LOT 15
N/F/
ROGER C. LEARY &
MICHELLE M. LEARY

THE PRÉSERVE
ASSOCIATION
TRUST

MAP 54 LOT 1000B
N/F/
RICHARD POOLE
TRUSTEE OF
CROMESETT TRUST



SCALE: 1" = 400'



PLANS ACCOMPANYING PETITION OF
PRESERVE ASSOCIATION TRUST
TO LICENSE WOOD PILE PIER
SEASONAL RAMP & FLOATS
WEWEANTIC RIVER
WAREHAM, MA

G.A.F. ENGINEERING, INC.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
286 MAIN STREET WAREHAM, MA 02571
TEL: (508)295-8600 FAX: (508)295-8634

REV	DATE	BY	APP'D	DESCRIPTION
2	11/30/04	CDA	WFM	NO CHANGE
1	5/14/04	CDA	WFM	NO CHANGE

LICENSE PLAN NO. 10176
Approved by Department of Environmental Protection
of Massachusetts
Mitch Zencino
D. W. [Signature]
MAR 18 2005

Owner:
Parcel ID:
Address: #

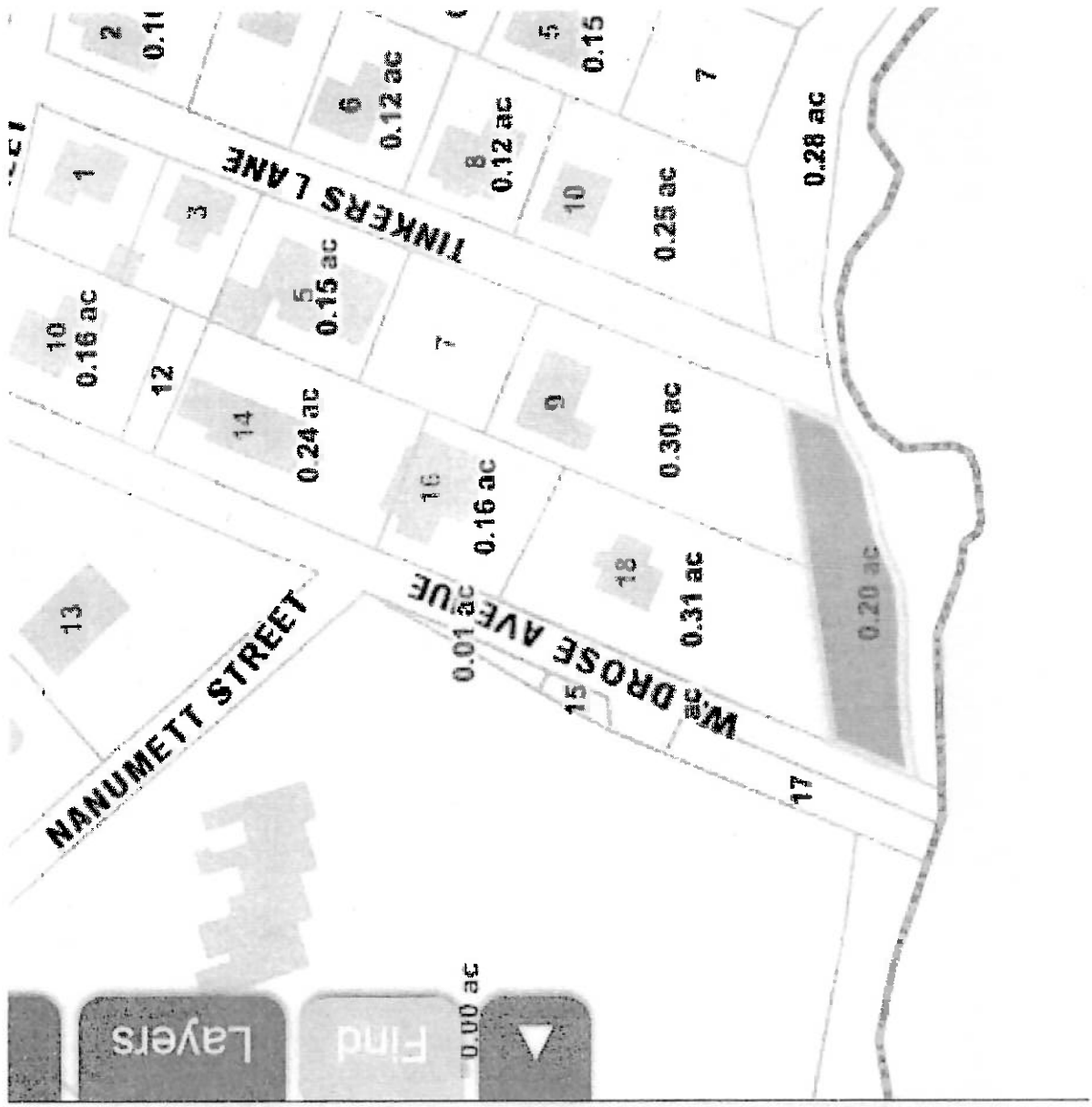
Results Summary

Parcels for Identify

Parcel ID	Address	Owner Name
4-LC27	0 WILD ROSE AVE	NANUMETT SHORE

Parcel Information

ZONE_DESC	MUL RES 30
ACREAGE	0.20
NBHD	0071
NBHD_ADJ	1.3
ND_FRONTAGE	0
LAND_ASSES	33500
Owner Name	NANUMETT SHORE IMPRV A
CO_OWNER	C/O MARY LOU ANDRE



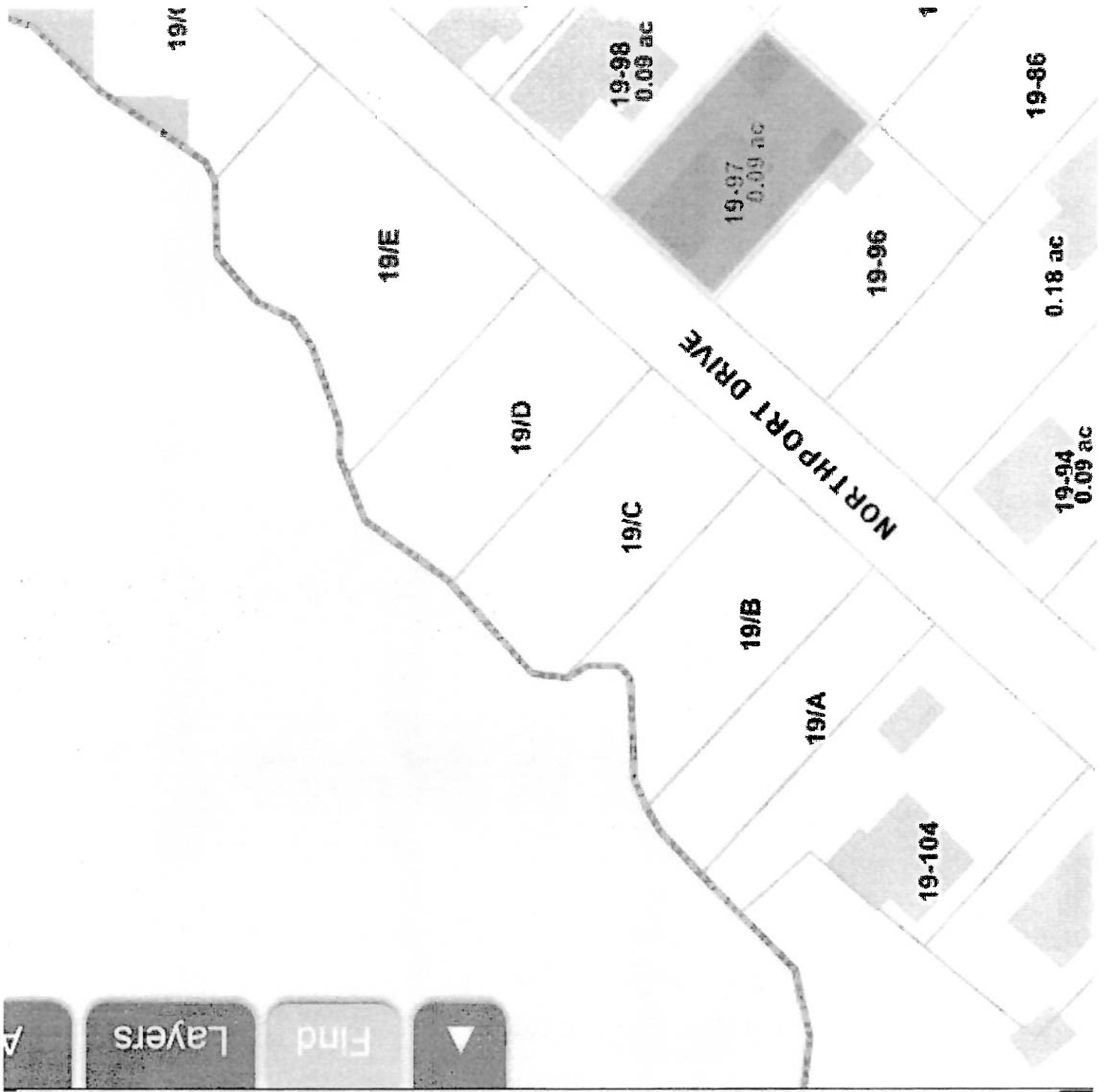
Layers Find

Owner
Parcel ID
NORTHPORT DRIVE 14

Clear

Identify
Address Owner Name
NORTHPORT DR CRESCENTINI LOUI

Location Zoom To
M_268576_832863
19-97
3836
3836
9 NORTHPORT DR
NORTHPORT DR
9
19



About

Layers

Find



Search

Owner

Parcel ID

Northport Drive

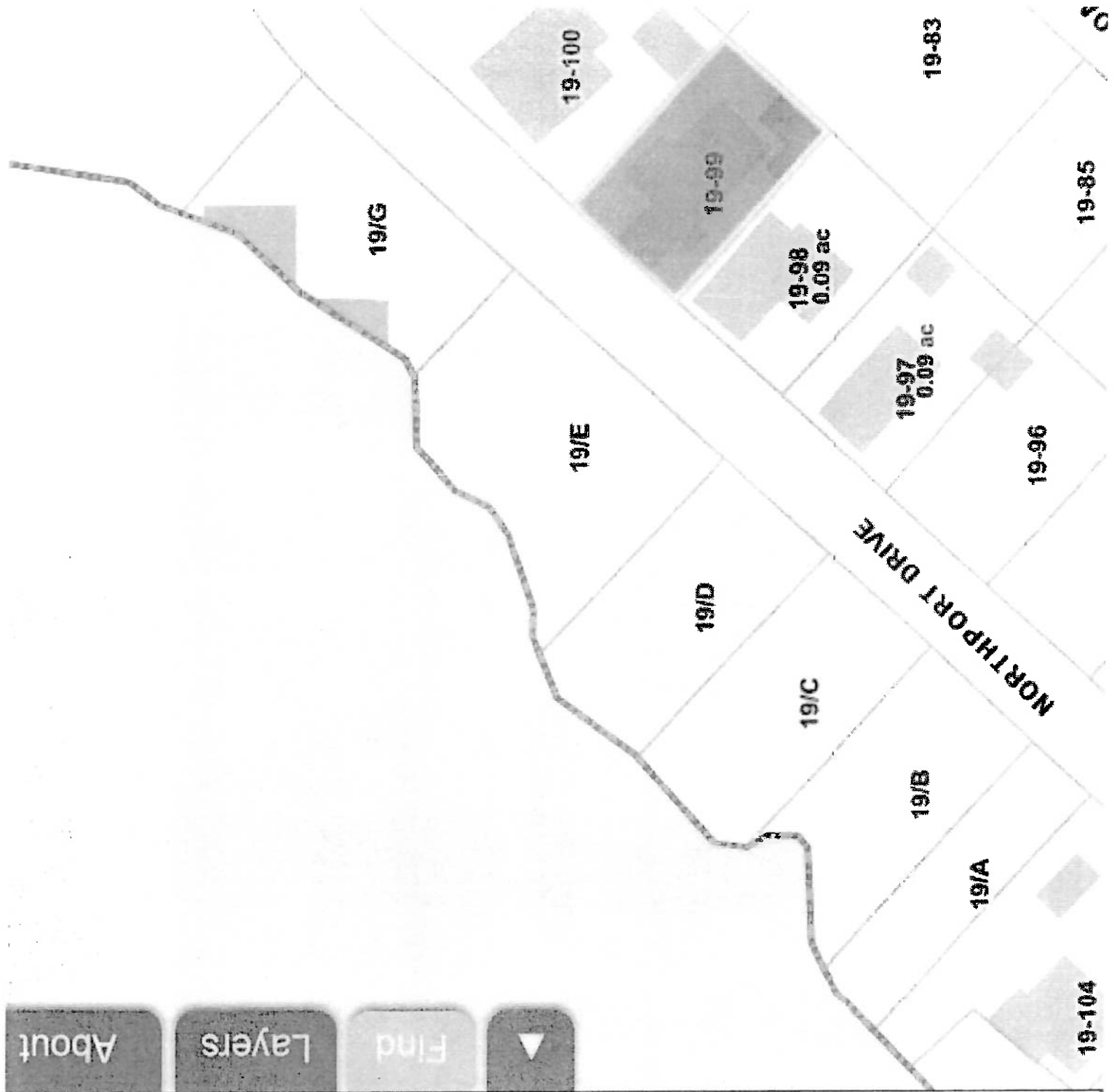
Notify

Address **Owner Name**

Northport Dr Gambrazzio Jeffe

ON **Zoom To**

- M_268597_832886
- 19-99
- 3838
- 3838
- 13 Northport Dr
- Northport Dr
- 13
- 19





ID
DRIVE 16
Clear

Layers

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SS Owner
NORTHPORT DR GAMBRAZZIO JEFF

Zoom To

M_268566_832901

19/E

3756

3756

16 NORTHPORT DR

NORTHPORT DR

16



APPROVED FOR RECORD
SEP 13 2004
9-15-04
RECORDS

04-745

I HEREBY CERTIFY THAT THE PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE BOARD OF ZONING AND THE NEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

[Signature]
DATE: 7/14/04



ZONING INFORMATION
ZONING DISTRICT: R-50 (RESIDENCE)
MINIMUM LOT FRONTAGE: 180' ±
MINIMUM LOT AREA: 10,000 ± S.F.
MINIMUM UPLAND AREA: 10,000 ± S.F.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

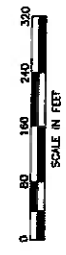
WAREHAM PLANNING BOARD

DATE: 7/14/04

[Signature]

OWNER:
JOHN C. DECAS
219 MAIN STREET
WAREHAM, MA 02571

APPLICANT:
JOHN C. DECAS
219 MAIN STREET
WAREHAM, MA 02571

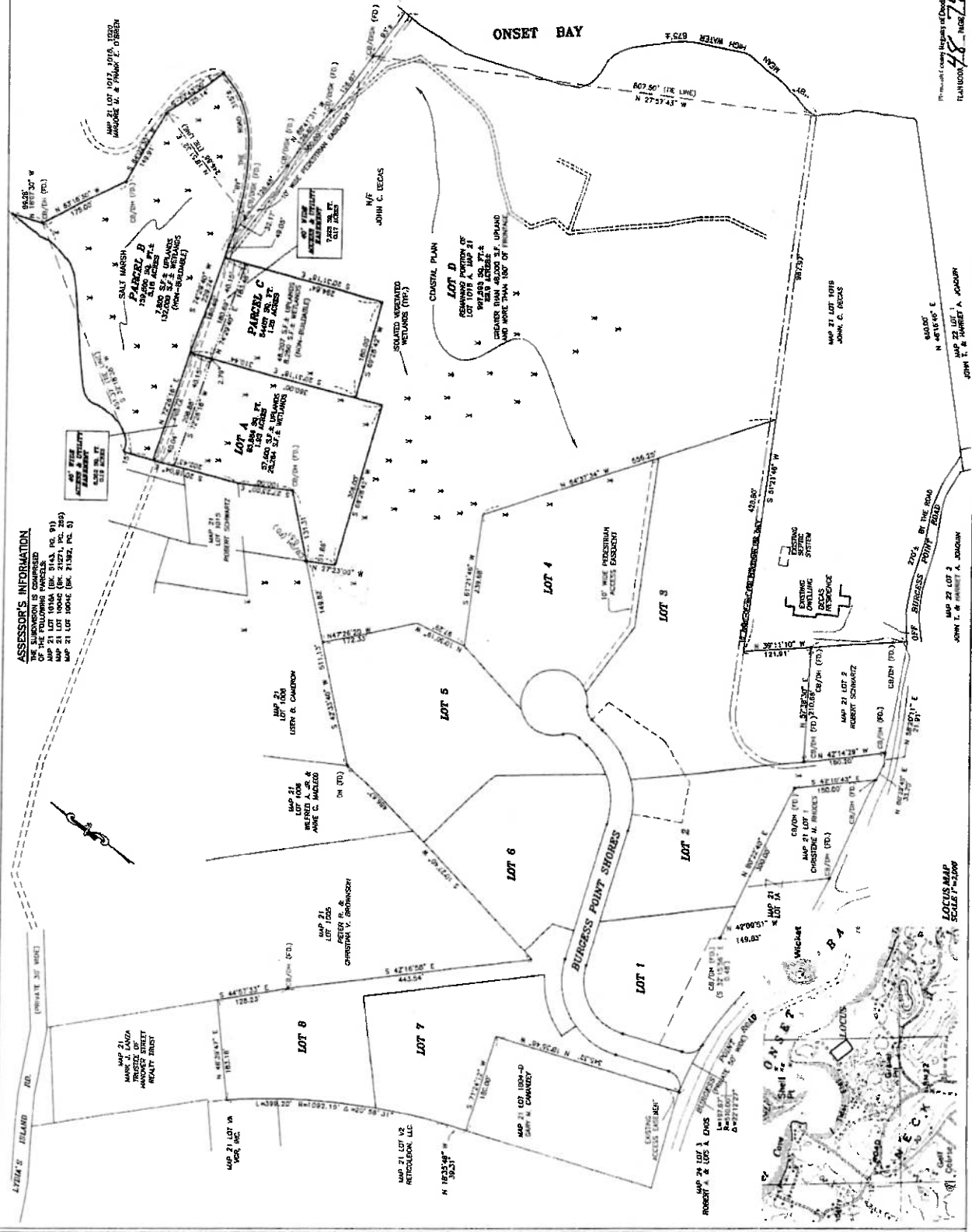


APPROVAL NOT REQUIRED PLAN
IN
WAREHAM, MASSACHUSETTS
DRAWN FOR
JOHN C. DECAS

SCALE: 1"=80'
JULY 22, 2004
PREPARED BY
SITEC

STATE, INC.
100 WASHINGTON STREET
WAREHAM, MA 02571
TEL: 508-248-7478
FAX: 508-248-7479

ASSESSOR'S INFORMATION
THE SUBDIVISION IS COMPRISED OF THE FOLLOWING PARCELS:
MAP 21 LOT 101A (BK. 3143, PL. 91)
MAP 21 LOT 101B (BK. 3143, PL. 92)
MAP 21 LOT 101C (BK. 3143, PL. 93)
MAP 21 LOT 101D (BK. 3143, PL. 94)
MAP 21 LOT 101E (BK. 3143, PL. 95)



04-745

NOTES 08/08/2016
Doc # 2016-08-001 Page 1 of 1
Received: 08/13/2016 09:26:00
ATTORNEY John R. Desjardis, Notary
Plymouth County Registry of Deeds

MASSACHUSETTS
NOTARY PUBLIC STATE OF MASSACHUSETTS
Date: 08/13/2016 09:26:00
Doc# 2016-08-001 Page# 001 of 001
Fee: \$1,045.00 (incl. State \$200.00)

CANCELLED

QUICCLAIM DEED

JOHN C. DECAS of Wareham, Plymouth County, Massachusetts for consideration paid and in full consideration of Two Hundred Thirty Thousand (\$230,000.00) Dollars paid, grants to **BUZZARDS BAY COALITION, INC.**, a Massachusetts not for profit corporation, with a place of business at 1-4 Front Street, New Bedford, Massachusetts 02740, with **QUICCLAIM COVENANTS**, the land in Wareham, Plymouth County, Massachusetts, described as follows:

Lot D shown on a plan entitled "Approval Not Required Plan in Wareham, Massachusetts drawn for John C. Decas", Scale: 1" = 50', dated July 22, 2001 filed in the Plymouth County Registry of Deeds in Plan Book 49, Page 728

Subject to all easement, conditions and restrictions of record.

For my title, see deed recorded in said Registry of Deeds in Book 2670, Page 319

Witness my hand and seal this 18th day of August, 2016

John C. Decas
JOHN C. DECAS

COMMONWEALTH OF MASSACHUSETTS

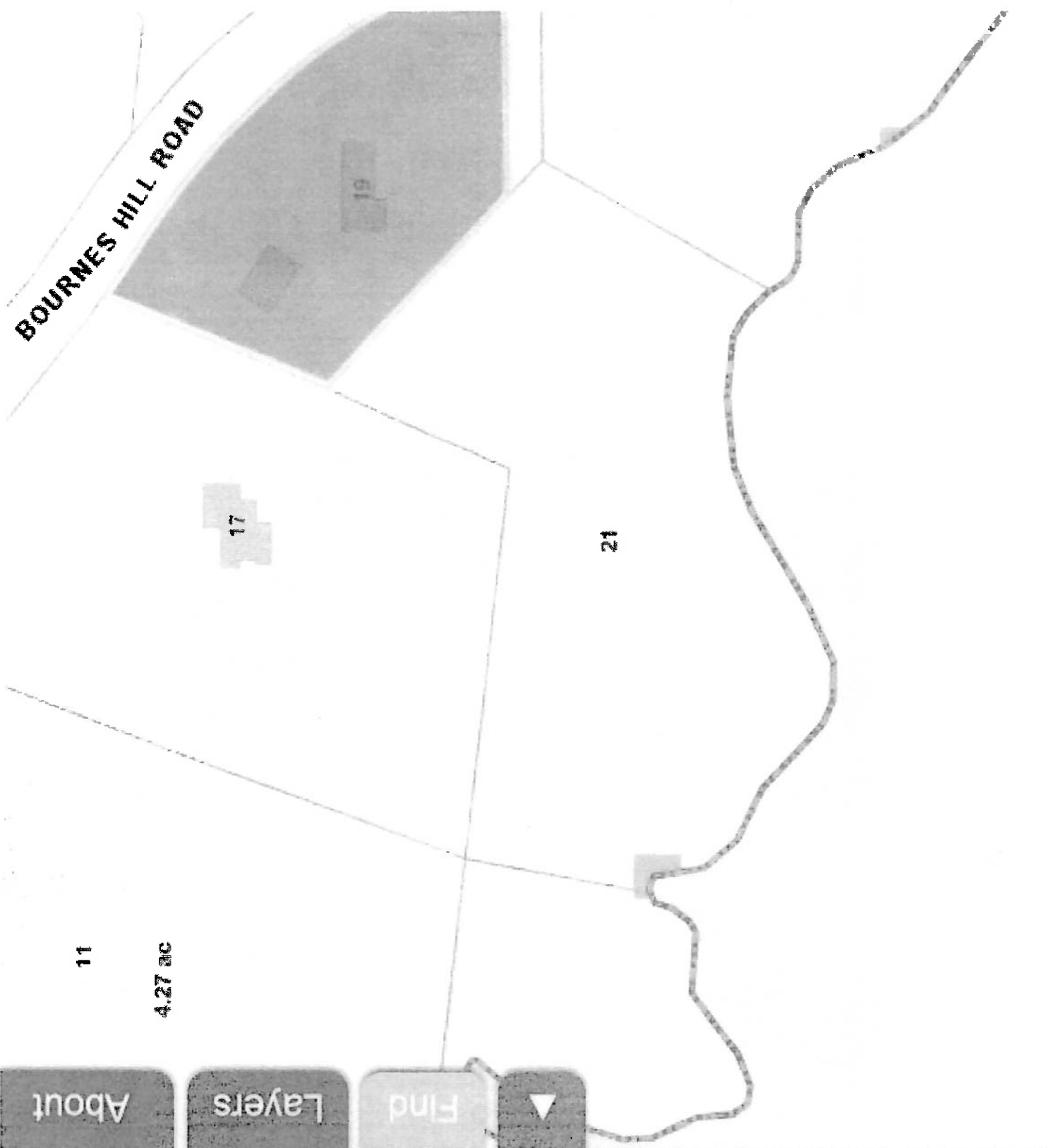
COUNTY OF PLYMOUTH

On the 18th day of August 2016, before me, the undersigned notary public, personally appeared **John C. Decas** proved to me through satisfactory evidence of identification, which was a photographic identification with signature issued by a federal or state governmental agency or other or affirmation of a credible witness, or personal knowledge of the undersigned, to be the person whose name is signed on the preceding instrument, and acknowledged to me that he signed it voluntarily for its stated purpose.

Marc R. Desjardis
NOTARY PUBLIC - Marc R. Desjardis
My commission expires: 10/14/2022

Lot D off Burgess Point Road
Wareham, Massachusetts 02571





About Layers Find

11

4.27 ac

17

19

21

OAD 21 Clear

Owner Name
19 BOURNE POINT

Zoom To

ES 60,000

1.16

0091

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628100

NE POINT ROAD LL

PETER C BLOCK

OKHAVEN SPRINGS



Properties

Enter Owner

Enter Parcel ID

BOURNE POINT ROAD 35 Clear

Summary

Address **Owner Name**

35 BOURNE POINT FISHMAN MARK C 8

Information **Zoom To**

ID	M_267691_831273
FR	31/A
ID	4354
ID	4354
;	35 BOURNE POINT RD
!	BOURNE POINT RD
!	35
IM	
IM	
	31



About

Layers

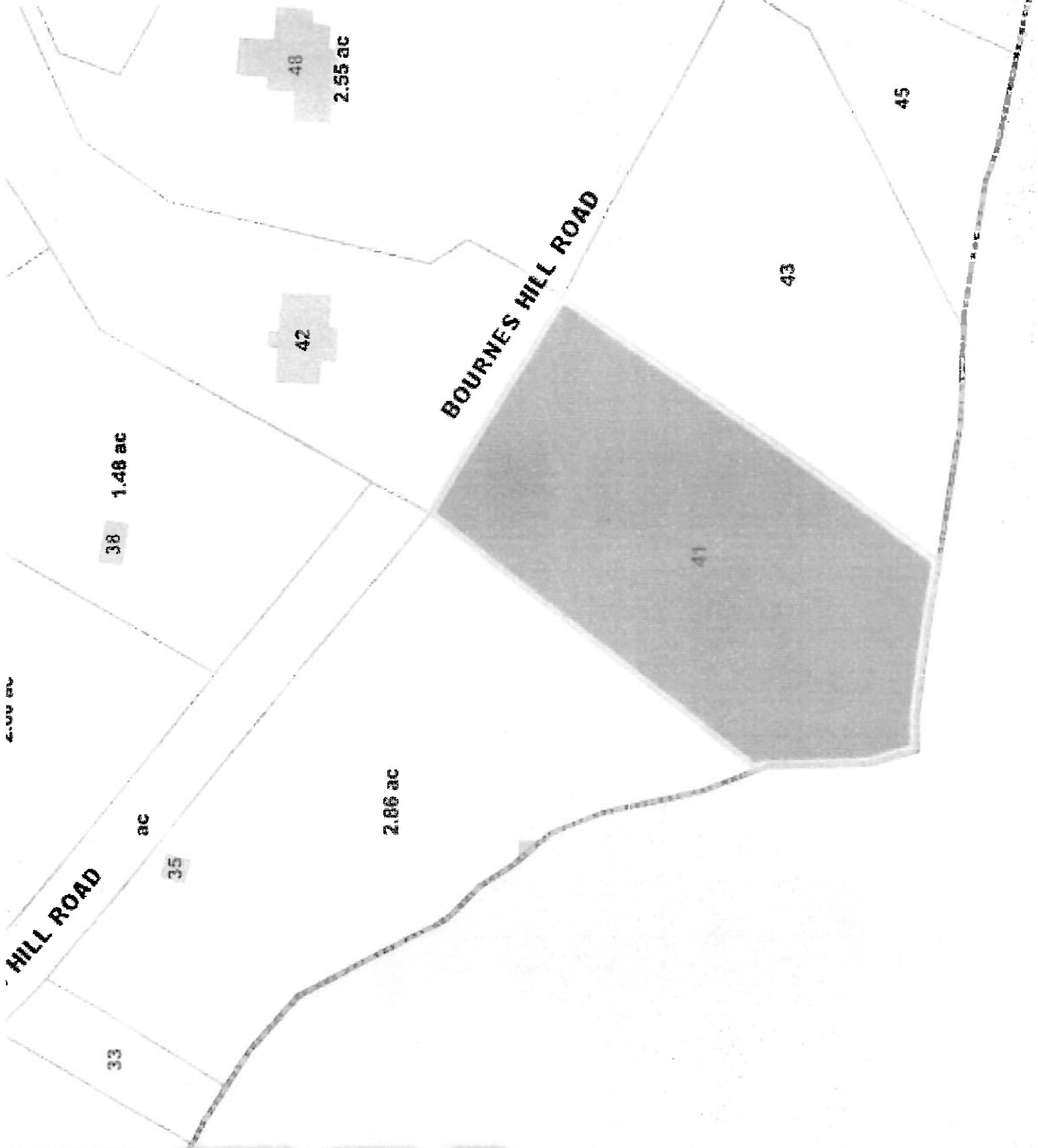
Find



41

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r Name
AMUEL P M

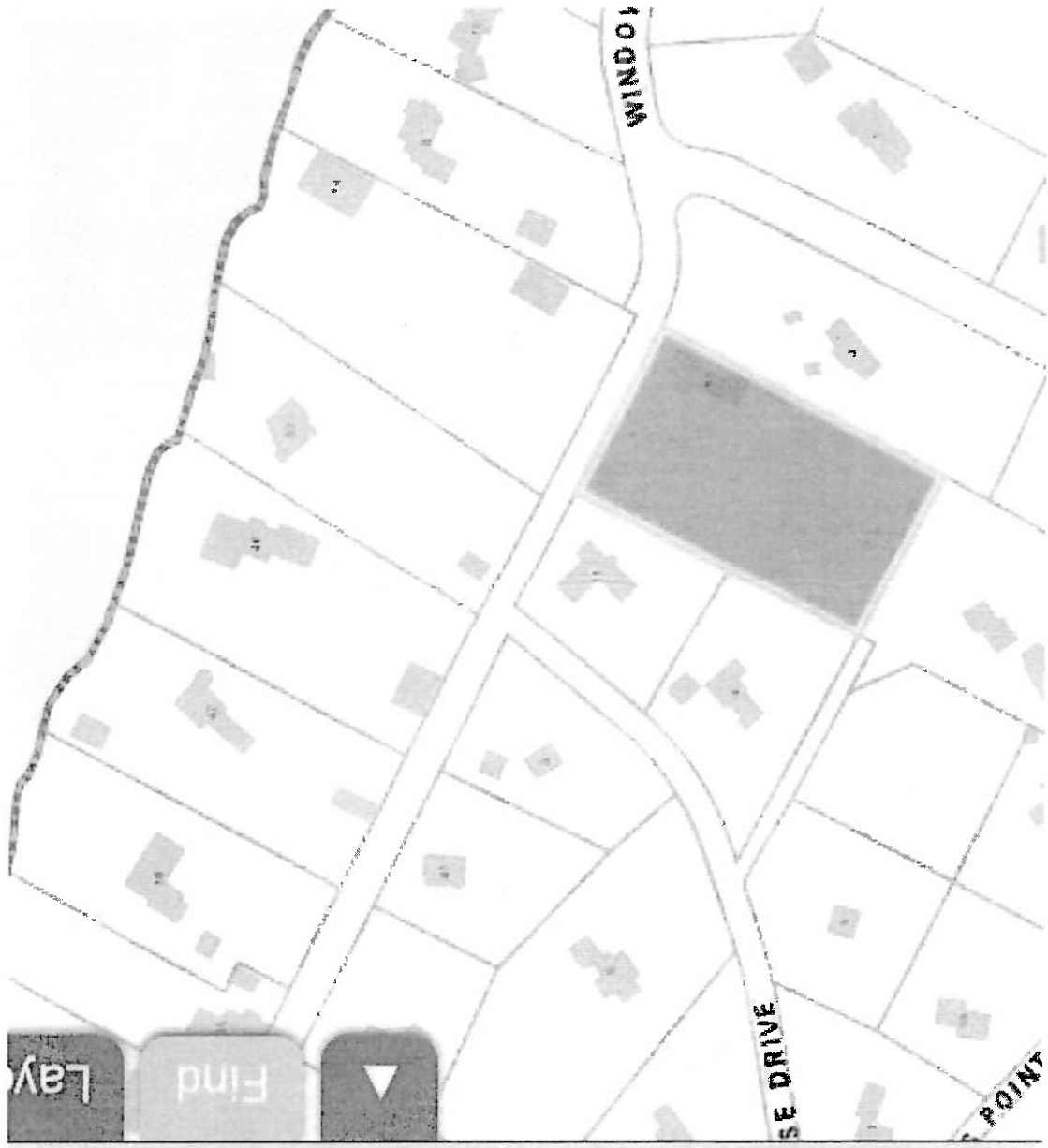




Nareham, MA 02571

 Nearby

S S



Clear

ults Summary

cells for Identify

Parcel ID	Address	Owner Name
22/J	53 WINSHIP AVE	DARLING DUDLEY V

il Information

Zoom To ↗

LOC_ID	M_270591_831412
Parcel ID	22/J
cs_order	
PID	4017
VISION_ID	4017
Address	53 WINSHIP AVE
ST_NAM	WINSHIP AVE
ST_NUM	53
UNIT_NUM	
ACCT NUM	

About

Layers

Find



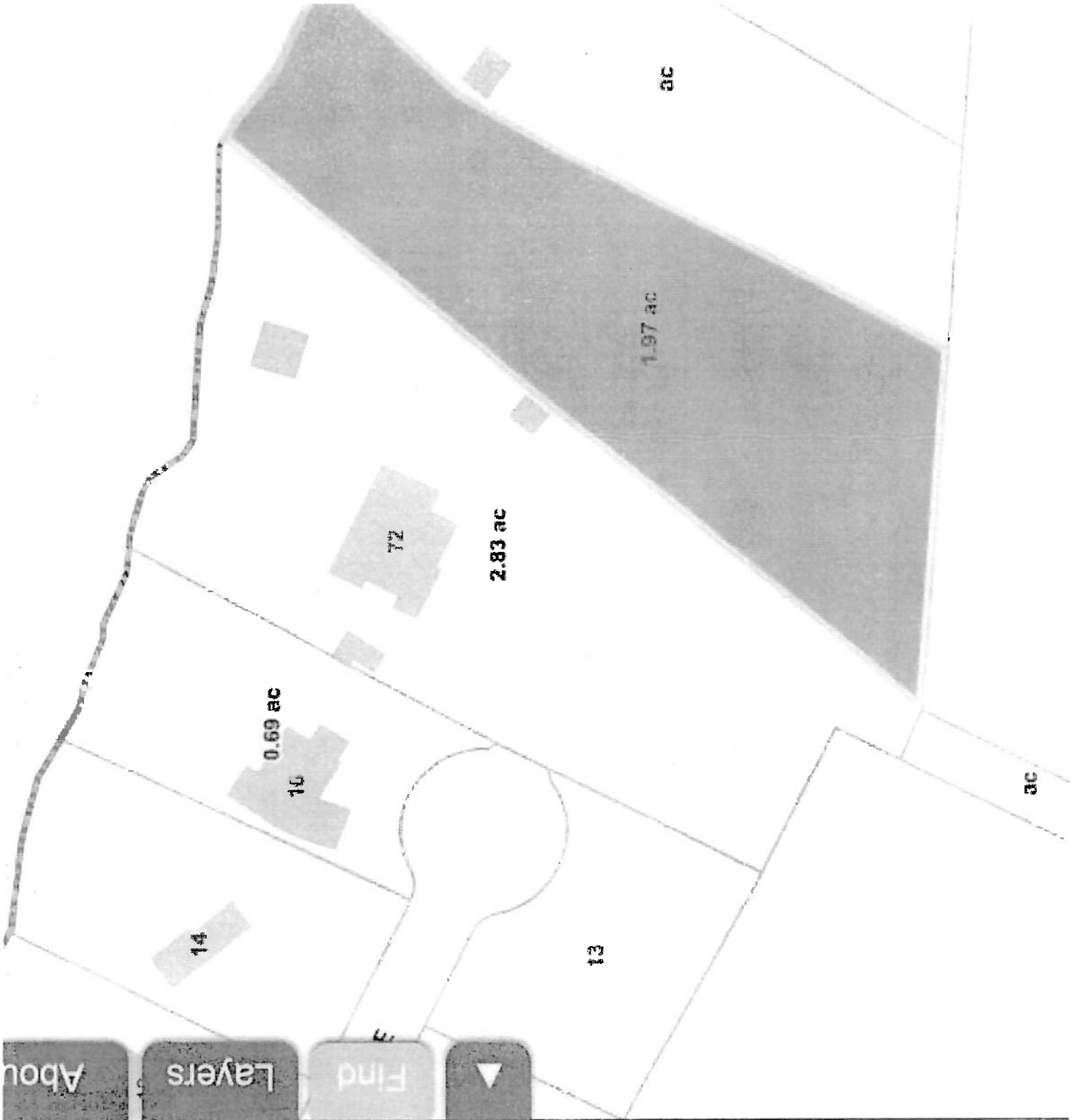
VT ROAD 72

Clear

Owner Name
 POIP GRANDMONT MARIE

Zoom To ↑

- L_270949_831380
- 22-1006/A1
- 22/1006/A1
- 107396
- 107396
- BURGESS POINT RD
- JRGESS POINT RD
- 72A
- 22/1006/A1
- 22





72

Clear

Owner Name
RANDMONT JOHN

Zoom To

5_831377
06/A3
28
28
S POINT RD
POINT RD
4
2



2016 00097885

Bk: 47673 Pg: 65 Page: 1 of 3
Recorded: 10/31/2016 10:28 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS QUITCLAIM DEED

We, **Harry Livanis a/k/a Hippocrates Livanis and Catherine Livanis**, of 120 Spring Meadow Lane, Hanover, Massachusetts 02339

for consideration of less than One Hundred Dollars

grant to **Siesta Village, LLC**, a Massachusetts limited liability company with its principal office at 120 Spring Meadow Lane, Hanover, Massachusetts 02339 with **QUITCLAIM COVENANTS**:

the land in Wareham, Plymouth County, Massachusetts, situated on the westerly side of Charlotte Furnace Road, bounded and described as follows:

Beginning at a stone bound in the Easterly line of Route 28 at the Northwesterly corner of land formerly of Kusti Ahola, thence

- NORTH 73° 55' East, Three hundred forty-four and 70/100 (344.70) feet to a stone bound, thence still by said Ahola land,
- SOUTH 23° 03' East, Fifty-two and 40/100 (52.40) feet to a stone bound; thence in the same course by land now or formerly of Mildred W. Stone, Four hundred three and 87/100 (403.87) feet to a stone bound; thence in the same course by land now or formerly of Matti Matson, Seven hundred twenty-five and 48/100 (725.48) feet to Charlotte Furnace Road, 1964 Town Layout by Massachusetts Department of Public Works, L.O. No. 5427; thence by said Road,
- NORTH 14° 41' East, Six hundred four and 35/100 (604.35) feet; thence still by said Road,
- NORTH 43° 43' 02" East, Four hundred twenty-three and 05/100 (423.05) feet to land formerly of one Patterson; thence by said land,

Return to:
Leonard M. Bello, Esq.
184 Main Street
Wareham, MA 02571

mail

Property Address: 10 Charlotte Furnace Road, Wareham, Massachusetts

NORTH 18° 18' West, Three hundred thirty-four and 58/100 (334.58) feet to a stone bound near the Westerly line of Route 25; thence

SOUTH 62° 03' West by land formerly of George P. Morse, 1141.29 feet to a stone bound in the Easterly line of said Route 28; thence by said Route 28,

SOUTH 45° 19' East, twenty three feet (23) to the bound first mentioned.

Said Parcel is subject to an easement taken for drainage purposes in behalf of the Town of Wareham.

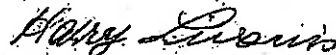
Containing ten acres more or less and being shown as PARCEL 1 on a plan entitled "Plan of Land of A.D. Makepeace Company, situated near West Wareham, Mass., known as Smith Lot, Scale 1" = 100' dated April 1925, revised June 1931 and revised March 26, 1971", recorded Plymouth Registry of Deeds.

Together with all rights, privileges and easements connected therewith and subject to restrictions and easements of record and are hereby conveyed subject to any building and zoning law, requirements which may be in force and applicable.

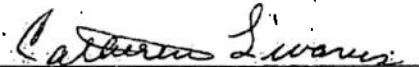
For Grantors' title see deed of Harry Livanis, Trustee of Siesta Village Realty Trust to the above named Grantors, dated December 23, 2015 and recorded in Book 46479, Page 279.

TITLE NOT EXAMINED

Witness our hands and seals this 10th day of October, 2016.



Harry Livanis, a/k/a Hippocrates
Livanis

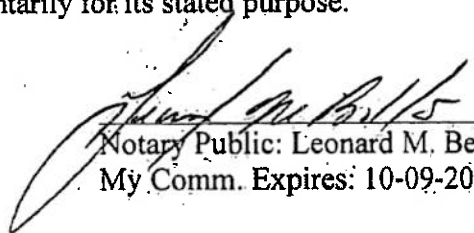


Catherine Livanis

Commonwealth of Massachusetts

Plymouth, ss

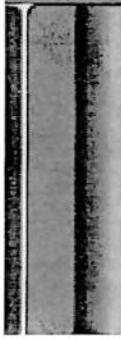
On this 10th day of October 2016, before me, the undersigned notary public, personally appeared Harry Liyanis and Catherine Liyanis, who proved to me through satisfactory evidence of identification, which was a valid photo identification or personal knowledge, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


Notary Public: Leonard M. Bello
My Comm. Expires: 10-09-2020

About

Layers

Find



Input fields with a '3' in the second field and a 'Clear' button.

Clear

3

Owner Name

290 GLEN CHARLIE

Zoom To

9394_836291

29-1001

13215

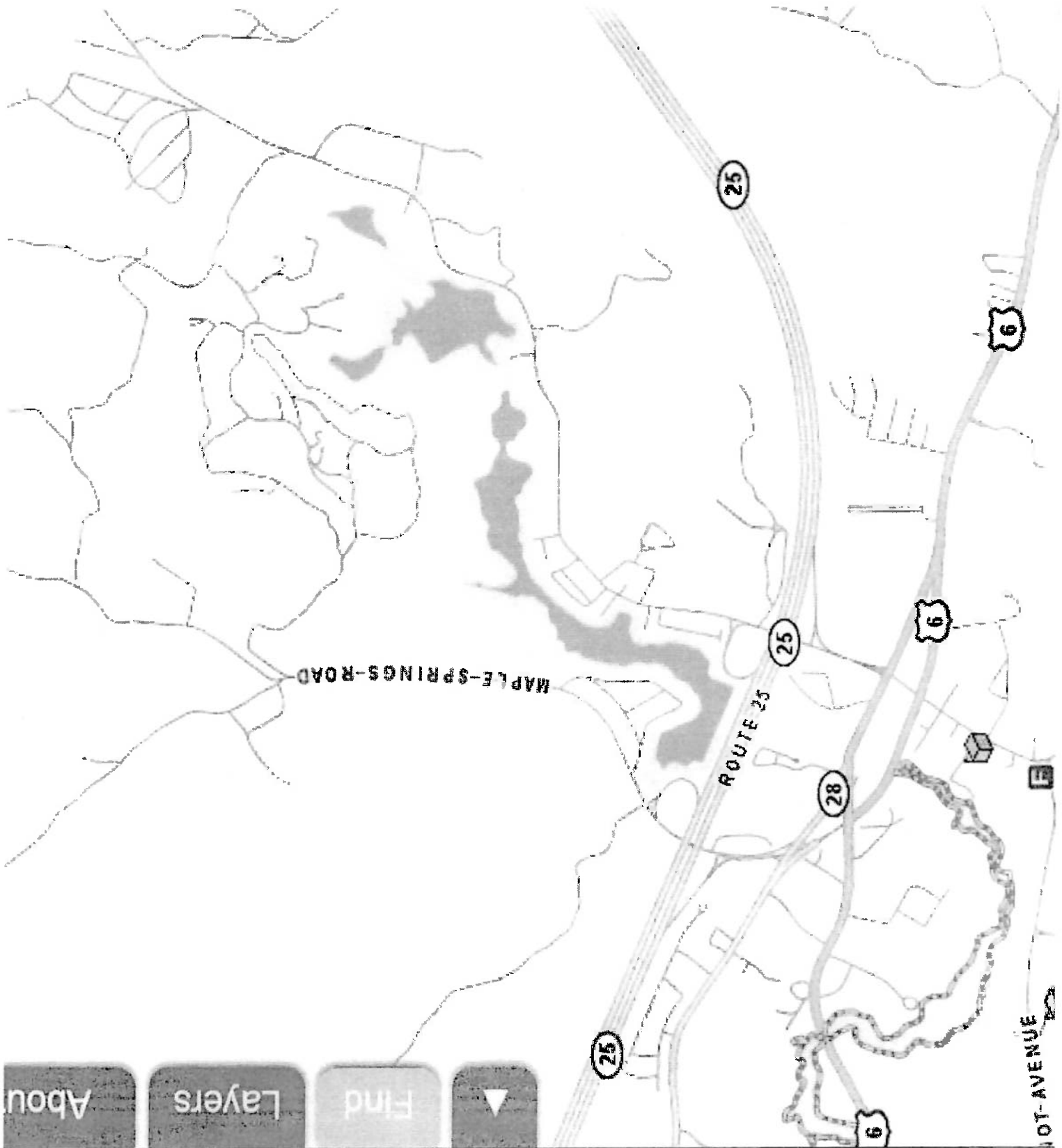
13215

CHARLIE RD OFF

HARLIE RD OFF

0

129





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 7 - Extension Permit for Orders of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP Form Number
5076-2009
Rev. 4/14/14, 016

A. General Information

Important
When filing out
forms on the
computer, use
only the tab
keys to move
your cursor
do not use the
mouse key

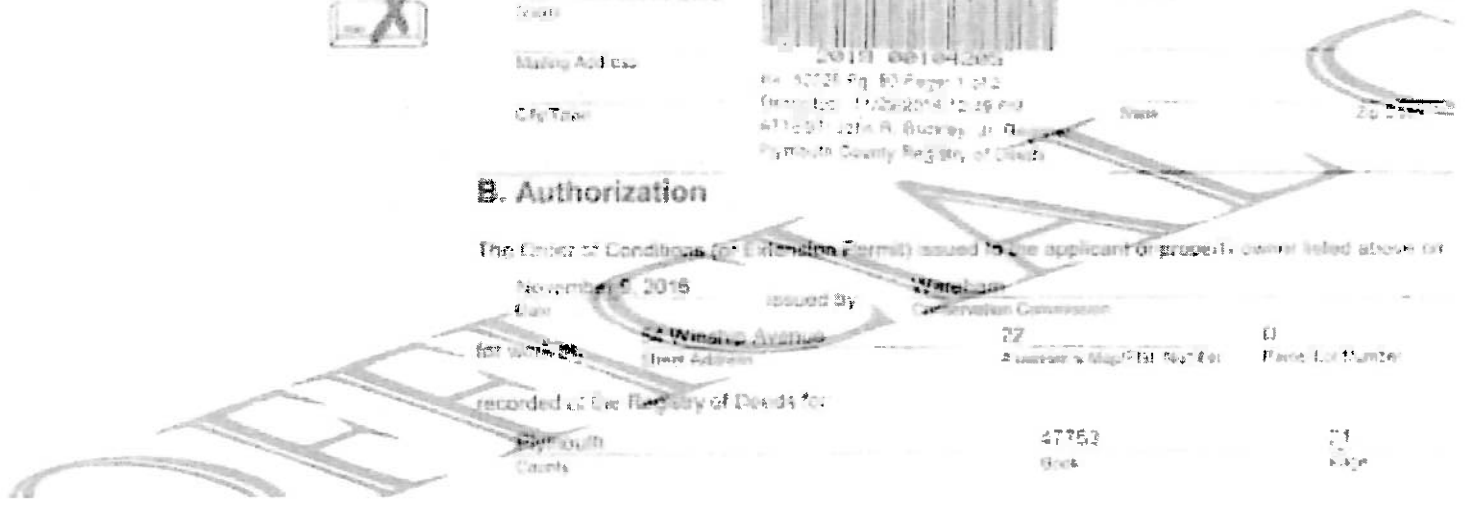


1. Applicant
Bay Trust on Grady W. Darling
Name
54 Windsor Avenue
Spring Welles
Wareham
MA 02571
City/Town State Zip Code

2. Property Owner (if different)
Name
Mailing Address
City/Town State Zip Code
Barcode
2015 00104200
Rk: 52026 Pg: 80 Page 1 of 2
Created: 11/25/2014 12:29 PM
47752 276 R. Buckley, Jr. D.
Plymouth County Registry of Deeds

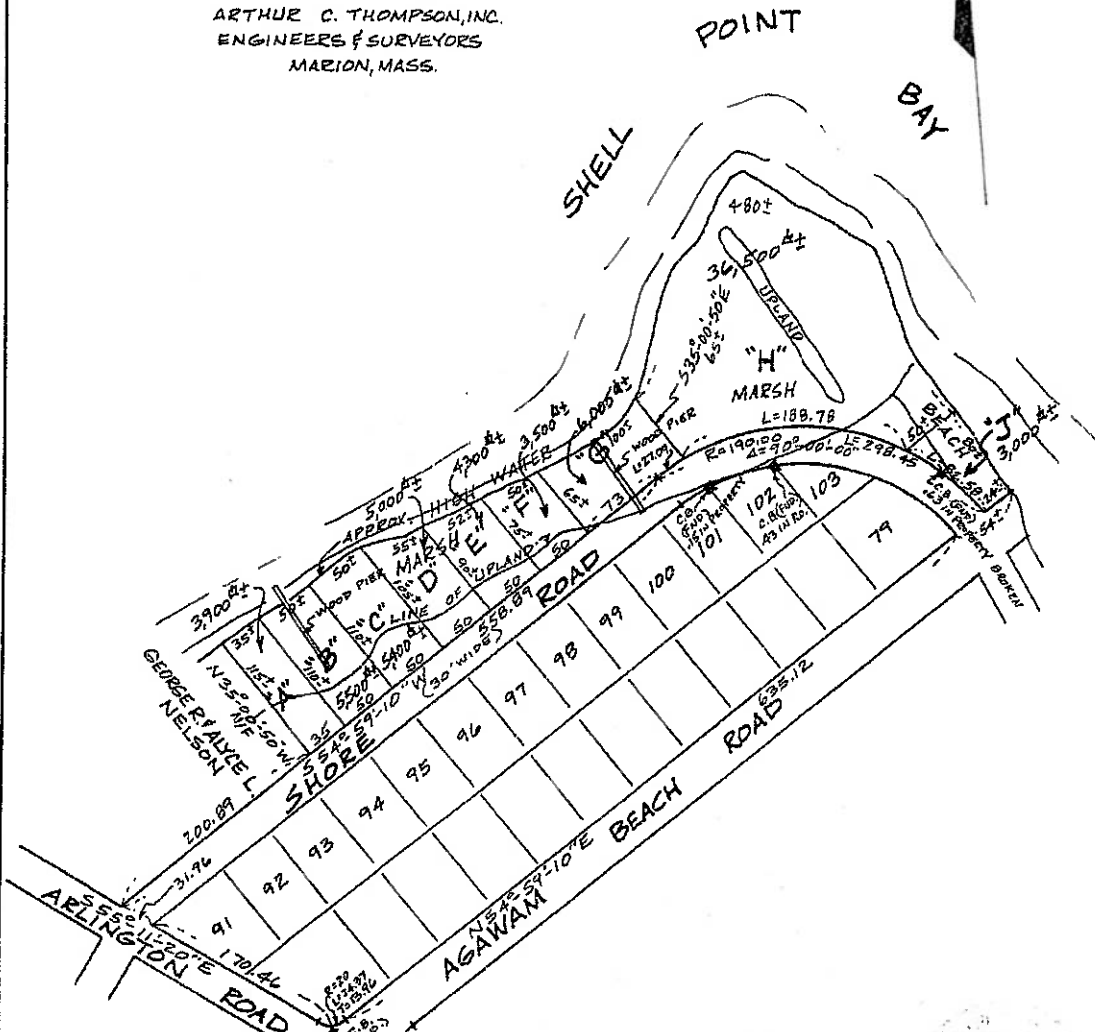
B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on
November 5, 2015
Date issued by
Wareham
Conservation Commission
for work on
54 Windsor Avenue
Street Address
27
Awardees Map/Est. Number
E
Parcel Number
recorded at the Registry of Deeds for:
Plymouth
County 47752
Book Page
27
Page



PLAN OF LAND IN
WAREHAM, MASS.
 PREPARED FOR
VINCENT R. PANICO

AUGUST 20, 1974 SCALE 1"=100'
 ARTHUR C. THOMPSON, INC.
 ENGINEERS & SURVEYORS
 MARION, MASS.



LOT NUMBERS REFER TO PLAN ENTITLED,
 "PLAN OF SEA-SHORE LOTS AT AGAWAM BEACH,
 WAREHAM, MASS. OWNED BY THE AGAWAM
 BEACH COMPANY BRACKTON, MASS.
 SCALE 80 FEET TO AN INCH MAY 15, 1922.

- LOT 79 N/F HARVEY M. & DOROTHY M. HAMILTON
- LOT 94 N/F ROBERT F. & ISABELLE M. THOMPSON
- LOT 95 N/F PIA LELLI
- LOT 96 N/F ROBERT P. & DOROTHY M. VALLE
- LOT 97 N/F LOUIS & REGINA E. CRESCENTINI
- LOT 98 N/F DAVID A. GOLDBERG
- LOT 99 N/F VITO J. & MARY MAZZOLA
- LOT 100 N/F ANNIE C. LUPIEN
- LOT 101 " " " "
- LOT 102 " " " "
- LOT 103 " " " "

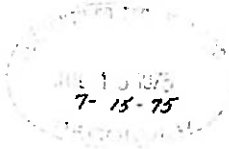
Arthur C. Thompson

PLYMOUTH CO. DEEDS
 BOOK 4083 PAGE 278

NOTE: THESE LOTS ARE NOT
 CONSIDERED BUILDING LOTS.

WAREHAM PLANNING BOARD
 APPROVAL UNDER SUBDIVISION
 CONTROL LAW NOT REQUIRED

DATE JUNE 23, 1975
Russell E. Collins,
 Clerk



'75-446

EXHIBIT B

BK 14254 PG 150

30505

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF WAREHAM
OFFICE OF THE COLLECTOR OF TAXES

I, PHILIP M STRAWN, Collector of Taxes for
the TOWN OF WAREHAM, pursuant and subject to the provisions
of General Laws, Chapter 60, Sections 53 and 54, hereby take for said TOWN the following
described land:

DESCRIPTION OF LAND

[The description must be sufficiently accurate to identify the premises and must agree with the notice of taking. In the case of
registered land, the Certificate of Title Number and the Registry Volume and Page must be given.]

A PARCEL OF LAND CONTAINING
ABOUT .37 ACRES BEING LOT K3,
MAP 129. RECORDED IN BOOK
3915 PAGE 724.

Said land is taken for non-payment of taxes as defined in Section 43 of said Chapter 60, recorded
assessed thereon to PLYMOUTH COUNTY
REGISTRY OF DEEDS
01 Apr 1996 02:18PM
JOHN D. RIORDAN
REGISTER
Bk 14254 Pg 150

DARNETKO STEPHEN F
DARNETKO MICHAEL P
123 G ST

S BOSTON MA 02127

for the year 1994, which were not paid within fourteen days after demand therefor made upon
DARNETKO STEPHEN F on 11/10, 1994 and now
DARNETKO MICHAEL P
remain unpaid together with interest and incidental expenses and costs to the date of taking in the
amounts hereinafter specified, after notice of intention to take said land given as required by law.

1994 TAXES REMAINING UNPAID	\$ 799.92
INTEREST TO THE DATE OF TAKING	183.54
INCIDENTAL EXPENSES AND COSTS TO THE DAY OF TAKING	22.00
SUM FOR WHICH LAND IS TAKEN	\$ 1,005.46

WITNESS my hand and seal this 1 ST day of MARCH 1996
*(DATE OF TAKING)

Philip M. Strawn Collector of Taxes for the TOWN OF WAREHAM

THE COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss. 19

Then personally appeared the above named PHILIP M STRAWN
and acknowledged the foregoing instrument to be his free act and deed as Collector of Taxes,

before me, *Melissa A. Greene*
My commission expires July 5, 1996 Notary Public - Justice of the Peace

19, at o'clock and minutes M.

Received and entered with Registry of Deeds,
Book, Page Document No., Certificate of Title No.

Attest: Register

DEED

The Town of Wareham (Grantor), a municipal corporation duly organized and existing by law in the County of Plymouth and Commonwealth of Massachusetts,

for good and valuable consideration of Seven Thousand (\$12,000.00) Dollars,

hereby grants to Brian Reis, of 44 Elmwood Road, New Bedford, Massachusetts

WITH QUITCLAIM COVENANTS,

A certain parcel of land situated in Wareham, Plymouth County, Commonwealth of Massachusetts, being Lot 3 as shown on the plan entitled "Proposed Subdivision Owned By Mike Sawczuk, East Wareham, Mass., Walter E. Rowley & Associates, Nov. 3, 1970," recorded in the Plymouth County Registry of Deeds, Plan Book 15, Page 932.

The above described premises is also described as Parcel ID: 129-K3 of the Town of Wareham Tax Assessor's records.

Together with the right in common with others entitled thereto to pass and repass over all the streets and ways shown on said plan for all the purposes for which such ways are commonly used in said Wareham.

The said premises are conveyed subject to restrictions and easements of record if any there are in force and applicable.

For Grantor's title, see Tax Taking recorded at Book 14254, Page 150 and Final Judgment recorded at Book 38470, Page 250, with the Plymouth County Registry of Deed.

[SIGNATURE PAGE TO FOLLOW]

Locus: 3 Michael Drive, Wareham, Plymouth County, Massachusetts

maie E
D'Ambrosio Brown LLP
10th Fl
185 Devonshire ST
Boston MA 02110



2014 00026400

Bk: 44263 Pg: 73 Page: 1 of 2

Recorded: 04/28/2014 01:02 PM

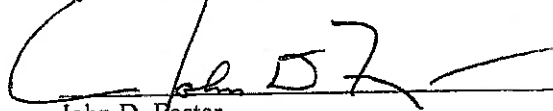
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

The officer executing this deed acknowledge receipt of the statement required by M.G.L. Chapter 60, §77B, and affirms the Town's compliance with M.G.L. Chapter 60, §77B and M.G.L. Chapter 44, §63A.

Being a conveyance from a municipal corporation incorporated under the laws of the Commonwealth of Massachusetts, this transaction is exempt from property tax stamps and assessments.

IN WITNESS WHEREOF, the said Town of Wareham has caused its corporate seal to be affixed hereto and these presents to be executed for and in its behalf by John D. Foster as Treasurer, duly authorized this 14th day of April, 2014.

Town of Wareham,
By its Treasurer,


John D. Foster

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

On this 14th day of April, 2014, before me, the undersigned notary public, personally appeared, John D. Foster, as Treasurer for the Town of Wareham proved to me through satisfactory evidence of identification which was Personal ID, 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.



Notary Public: Donna J Rhodes
My Commission Expires: Aug 11, 2017



EXHIBIT C

Karl Sabourin 4 Dianne Drive East Wareham MA, 02538

Members of the Zoning Appeals Board:

I am opposed to the idea of the proposed variance of 3 Michael Drive East Wareham MA. I feel that doing so it would be detrimental to the community.

I understand that the Delgado family has gotten approval from conservation despite the neighborhood objections and are citing this in their claim for a variance.

When this property first listed, our neighborhood was bombarded with potential buyers ringing our doorbells and knocking on our doors with questions about the property. They also occupied a large portion of street parking. It was bringing so much unwanted traffic to our quiet neighborhood that I called the conservation agent (Dave Pichette) to ask him about the lot.

Mr. Pichette informed me that several potential buyers had inquired about the possibility of development on the property. He told me that he would not approve the lot for any development. I'm unsure what has changed between the former and current administrator, but I feel it's relevant to make note that the previous agent was against anything being done to this property.

I also understand the Delgado family is seeking hardship on the basis of the financial implications. I feel this is a self-inflicted hardship. Had they done their due diligence, they would have known that the property was not zoned to be built on. Further, they would have realized there are two free public launch options on Agawam Mill Pond:

Agawam Mill Pond Boat Launch (Motorized)

2884 Cranberry Highway Wareham MA 02571 (1.6 miles away/5-minute car ride).

Whitlock's Landing (Non-Motorized Launch)

150 Glen Charlie Road East Wareham MA 02538 (0.2 miles away/walking distance).

I feel a private boat launch and boardwalk will prove to be a nuisance to the neighborhood. Potential boaters will be confused with it being less than 2 miles from the public motorized boat launch. I fear it will increase traffic to unsafe levels and make the overall neighborhood less attractive.

I am also concerned not only for the sake of my neighborhood, but for the community as a whole because I feel it is a slippery slope and sets a bad precedence for over development.

Thank You,



Karl Sabourin

Michele D. Sabourin, 4 Dianne Drive, East Wareham, MA. 02538

August 31, 2023
Town of Wareham
Zoning Board of Appeals

Dear Zoning board members,

This letter is in regards to the Zoning Board of Appeals petition 34-23, use variance appeal filed on behalf of Todd and Maria Delgado, to construct a private residential pier/dock located at 3 Michael Drive, East Wareham, Ma.

I am not in favor of this variance for several reasons. I completely disagree with the Conservation Commission's decision to permit a boardwalk constructed on this land, which is documented wetlands. In order for this boardwalk to be built, large machinery will need to be bought in, digging and possibly dredging occurring.

This neighborhood is a quiet cul-de-sac located right off a very busy Glen Charlie Road. Every neighbor was told that 3 Michael Drive was an unbuildable lot as it was actually below pond level and did not pass a perk test. Mr Delgado was told this by every neighbor he encountered. He should have researched it before purchasing.

Regarding his inability to put his boats into the pond, there is a public boat ramp right down the road. It is easily assessable .

I fear if this variance is granted, it will open the door to eventually being permitted to build on the lot and the destruction of wetlands.

Sincerely yours,



Michele D. Sabourin

August 31, 2023

Zoning Board of Appeals
54 Marion Rd.
Wareham, MA. 02571

Dear Member of the Zoning Appeals Board:

This letter is pertaining to the property located on what's listed as 3 Michael Drive, Wareham , MA. (Assessors Map 129, Lot K3) Petition #34-23 The owner's Todd and Maria Delgado want to build a boardwalk with a pier/dock on said lot.

I am against the building of a boardwalk and pier/dock. Twenty three years ago my deceased husband and I purchased this home because we needed a quiet street to be able to perform physical therapy in the form of walking with our son who is deaf and has special needs. I walk my son to help him build up his muscles in his legs and I'm afraid that the increased traffic to this area is going to impede me in trying to help my son to improve his mobility. This neighborhood consists of two special needs adults, and four young children, there are also three elderly people, including one with dementia. If this variance is approved, I don't want to think about the dangers from increased traffic, newcomers to the neighborhood and increased boat traffic to an area that has been deemed, according to the Massachusetts BioMap November 2022 (gis.eea.mass.gov), as Critical Natural Landscape.

Please do not approve this variance, help us protect our families and children. Thank you!

Sincerely,



Tracie Williams
138 Glen Charlie Rd.
East Wareham, MA. 02538

Benjamin Howes 3 Dianne Drive East Wareham MA, 02538

Zoning Board of Appeals Members,

Apologies in advance that I am unable to attend this meeting in person as my wife and I have health concerns. But I felt compelled to send a letter to you voicing my opposition of the request for a variance at 3 Michael Drive.

When I purchased my home here 45 years ago, I did so because it was on a nice quiet street. My wife and I now have five grandchildren and four young great grandchildren. Our great grandchildren come to visit us often and I have concerns that a private board walk and boating dock will bring additional traffic to the area and make the neighborhood unsafe for them. I do not want to feel unsafe when I go to my mailbox or take my great grandchildren outside.

I am also concerned that the property values may be diminished by allowing what I feel is an eyesore to be built just down the street. It is not in the best interest of the neighborhood. I would hope that our property values would taken into consideration with this requested appeal.

If this project is approved, you can bet that lots of others will attempt to gain a variance on property that is clearly inappropriate for development. I hope that you will take the future of Wareham into consideration when you vote.

Thanks,

Benjamin Howes
Llewellyn Howes

Benjamin Howes

September 1, 2023

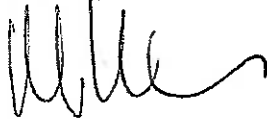
Mackenzie Lewin
140 Glen Charlie Rd
E. Wareham, Ma 02538
129-0-K1

To whom it may concern:

My name is Mackenzie Lewin. I am a homeowner at 140 Glen Charlie Rd., which is also on the corner of Michael Drive. It is my understanding that there is a property owner on Michael Drive who would like to build a pier/marina of some sort. I am writing this letter in opposition for several reasons. One of them being increased traffic on the dead end/ cul de sac where several neighborhood children live and play. Fortunately for us, the cul de sac and dead end mean there is limited traffic. The children can play freely, ride their bikes, and play basketball at 2 different hoops in the area that happen to be in the street. Most of the traffic that turns onto Michael Drive has a reason to be here whether it be a delivery man, a mailman, a resident, or a visitor of a resident, because of that, we have felt confident that the likelihood of someone hitting our children or driving at a high rate of speed is minimal. My house has had car accidents in my front yard 8 times since I moved in in 2015. Some resulting in injury. We have a deaf, special-needs resident, small children that require a little more attention, 3 children all under the age of 5 that will have direct access to this new construction. I am a single mother and already we must watch out for people up and down Glen Charie Rd. checking cars to see if they are locked, breaking into homes/sheds, stealing yard equipment, knocking on doors on the middle of the night, etc. I feel this new development will bring strangers to our neighborhood as well as unnecessary traffic. I believe that it will bring nighttime loitering with no real supervision on the property. Is this new development going to be the owners' belongings stored there only or is this for profit. Then I would ask is that property commercial zoned or a business zoned area?

Thank you for listening to our concerns in this matter, I do plan on attending the meeting regarding this property. If you have any questions or concerns, please feel free to reach out.

Sincerely,



Mackenzie Lewin
508-858-7466