

VARIANCE APPLICATION

TOWN OF WAREHAM ZONING BOARD OF APPEALS

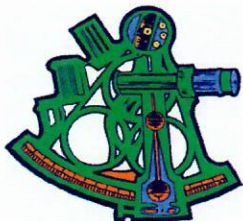
28 Bay Street
Onset, MA 02558

January 7, 2021

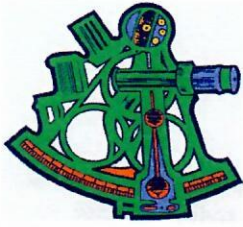
PREPARED FOR:

Paul & Deborah Yeaman
51 Locust Street
Uxbridge, MA 01569

PREPARED BY:



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



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Ph. 508-273-0377 – Fax 508-273-0367

January 7, 2021

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

RE: Variance Application for 28 Bay Street, Onset, MA

Dear Board Members,

On behalf of the applicant, Paul & Deborah Yeaman, please find enclosed a Variance Application for the construction of a 16' x 24' single story addition to an existing single-family dwelling. This property is shown as Lot 88 on Assessor's Map 3.

Zoning Requirements

The property is located in the MR-30 Zoning District (small lot) and contains 4,515 +/- square feet of land, which is considered a pre-existing, non-conforming lot. Minimum lot area and building setback requirements as specified in the Wareham Zoning Bylaw, Article 6 (small lot) are as follows: 30,000 square feet of land area with 20 feet minimum setback from the front and 10 feet minimum setbacks from the side and rear property lines.

As part of this Variance Application, the applicant would like to construct a 16' x 24' single story addition that will be in compliance with the Massachusetts State Building Code and FEMA requirements.

As outlined in Section 1470 of the Wareham Zoning Bylaws, the Board of Appeals shall find that the literal enforcement of the by-law would create a hardship and would not allow the construction of this addition. For the following reasons, we feel that the construction of the addition to an existing single family dwelling will neither substantially create a nonconforming nature of the structure, nor be substantially more detrimental to the neighborhood.

- Owing the circumstances relating to soil conditions, shape, or topography of the petitioner's land or structure(s) and especially affecting such land or structure(s), but not affecting generally the zoning district in which it is located, a literal enforcement of the Wareham Zoning Bylaws (failure to grant the Variance) would prevent use of the land as zoned. (Hardship)

A literal enforcement of the Wareham Zoning Bylaws would prevent the construction of this addition in this zoning district. The hardship that exists is that due to the small size of

January 7, 2021

this lot, there is a very small footprint in which buildings can be built upon. The current size of the structure makes it extremely difficult for the homeowners to reside at this property year-round. Also, this new addition will allow the owners to construct a more handicapable living space as they look to retire in their onset home.

- The Variance may be granted without detriment to the public good.

The proposed addition will not be more detrimental to the public good. Looking at the surrounding properties with similar lot sizes within this neighborhood, you can see that most of these properties have larger building footprints than our clients. The addition will be constructed in the rear of the existing dwelling and will be visually consistent with the rest of the neighborhood.

- The Variance may be granted without nullifying or substantially derogating from the intent or purpose of the Wareham Zoning Bylaws.

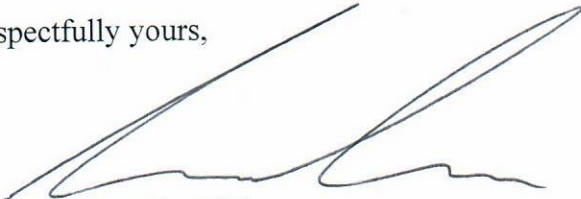
The proposed addition would not nullify or substantially derogate from the intent or purpose of the Wareham Zoning Bylaws as the structure will comply with all zoning setbacks requirements as well as floor area ratio as defined in section 628 of the Wareham Zoning Bylaws.

- Uniqueness.

The uniqueness that exists is that the homeowners, Paul & Deborah Yeaman, are looking to take their quaint little summer home by the beach and turn it into a year-round retirement home. In order to do so, expanding their living space is essential. Constructing a single-story addition off of the rear of the existing dwelling will allow them to create a more handicapable environment for their retirement years.

For the reasons stated above, we would appreciate your favorable vote on a Variance for the construction of an addition, which is under the purview of this board.

Respectfully yours,



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: 28 Bay Street LOT: 88 MAP: 3
ZONING DISTRICT: MR-30
USE REQUESTED: Single Family Residential
OWNER OF LAND & BUILDING: Yeaman Family Irrevocable Trust TEL.# 508-278-3145
ADDRESS OF OWNER: 51 Locust Street, Uxbridge, MA 01569
PERSON(S) WHO WILL UTILIZE PERMIT: Paul & Deborah Yeaman
ADDRESS: 51 Locust Street, Uxbridge, MA 01569
DATE: 12/03/2020 SIGNATURE: [Signature]
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: Heave Hosten Date: 11-10-20
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 Applicable: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: Paul & Deborah Yeaman

Applicant's Address: 51 Locust Street, Uxbridge, MA 01569

Telephone Number: 508-278-3145

Cell Phone Number: _____

Email Address: payday75@yahoo.com

Address of Property/Project: 28 Bay Street

Landowner's Name: Yeaman Family Irrevocable Trust

Owner's Address: 51 Locust Street, Uxbridge, MA 01569

Telephone Number: 508-278-3145

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

Map 3 Lot 88 Zone MR-30

Date Approved _____ Date Denied _____

Comments: _____

28 BAY ST

Location 28 BAY ST

Mblu 3 / 88 / 1

Acct#

Owner YEAMAN PAUL A JR ET ALS TRUSTEES

Assessment \$228,400

Appraisal \$228,400

PID 1443

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$103,500	\$124,900	\$228,400

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$103,500	\$124,900	\$228,400

Owner of Record

Owner YEAMAN PAUL A JR ET ALS TRUSTEES
Co-Owner YEAMAN FAMILY IRREV TRUST
Address 51 LOCUST ST
 UXBRIDGE, MA 01569

Sale Price \$1
Certificate
Book & Page 47953/ 319
Sale Date 12/30/2016
Instrument 1A

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
YEAMAN PAUL A JR ET ALS TRUSTEES	\$1		47953/ 319	1A	12/30/2016
YEAMAN DEBORAH A	\$100		47953/ 315	1A	12/30/2016
PIENTON DORIS M	\$100		47953/ 313	1A	12/30/2016
PIENTON DORIS M TRUSTEE	\$0		13408/ 21		02/01/1995
PIENTON WALTER J	\$1		4241/ 350		02/15/1977

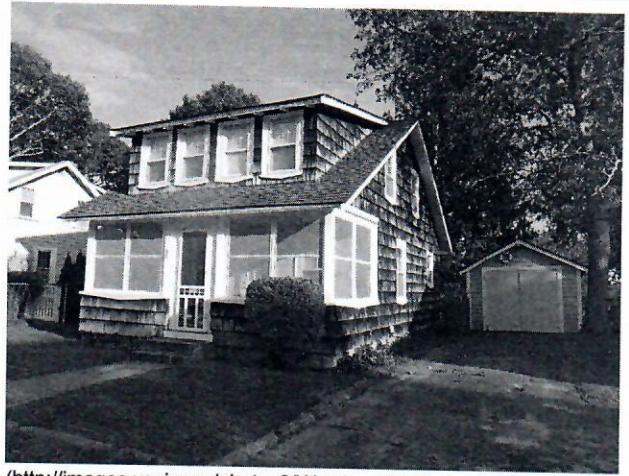
Building Information

Building 1 : Section 1

Building Photo

Year Built: 1930
Living Area: 983
Replacement Cost: \$145,362
Building Percent Good: 70
Replacement Cost Less Depreciation: \$101,800

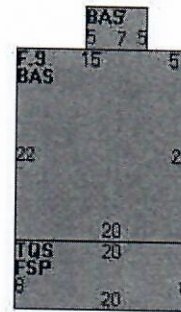
Building Photo



(http://images.vgsi.com/photos2/WarehamMAPotos/\A00\03\35\23.jpg)

Building Attributes	
Field	Description
Style	Conventional
Model	Residential
Grade:	Below Ave
Stories:	1.9
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	Open/Bv Brd
Interior Wall 2	Panel
Interior Flr 1	Vinyl Tile
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Hot Air
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	5 Rooms
Bath Style:	Old Style
Kitchen Style:	Average
# of Fireplaces	1
Fireplace Type	1
Finish Bsmt SF	
Fin Bsmt Qual	

Building Layout



(http://images.vgsi.com/photos2/WarehamMAPotos//Sketches/1443_1443)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	475	475
F.9	.90 Story Fin	440	396
TQS	3/4 Story Fin	160	112
FSP	Screen Porch	160	0
		1,235	983

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land

Land Use

Use Code 1010
 Description SINGLE FAMILY
 Zone MR30
 Neighborhood 0061
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 0.09
 Frontage 0
 Depth 0
 Assessed Value \$124,900
 Appraised Value \$124,900

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE AVG			240 S.F.	\$1,700	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$103,500	\$124,900	\$228,400
2019	\$99,500	\$118,500	\$218,000
2018	\$85,000	\$118,500	\$203,500

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$103,500	\$124,900	\$228,400
2019	\$99,500	\$118,500	\$218,000
2018	\$85,000	\$118,500	\$203,500

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 12/30/2016 01:19 PM
Ctrl# Doc# Plymouth County Registry of Deeds
Fee: \$.00 Cons: \$1.00

QUITCLAIM DEED

I, **DEBORAH A. YEAMAN**, of Uxbridge, Massachusetts;

For consideration of **Transfer to Trust (Less than \$100.00 Dollars)**;

Grant to **PAUL A. YEAMAN, JR., TARA M. LABBE and TRACIE E. YEAMAN**, all c/o of 51 Locust Street, Uxbridge, Massachusetts 01569, as **Trustee of the YEAMAN FAMILY IRREVOCABLE TRUST**, u/d/t dated December 21, 2015 (the "TRUST"), a Trustee Certificate, in accordance with M.G.L. Chapter 184, Section 35, regarding which is recorded herewith;

WITH QUITCLAIM COVENANTS;

The land in that part of Wareham, Plymouth County, Massachusetts, together with the buildings thereon, known as Nanumett Heights, Onset, and consisting of Lot #88 as shown on "Plan of Land at Nanumett Heights, showing lots 87, 88 and 109, Onset, Massachusetts, Scale 1" = 30', April 1922, Allan Beale, C.E.," recorded with Plymouth County Registry of Deeds at Plan Book 1404, Page 455, bounded and described as follows:

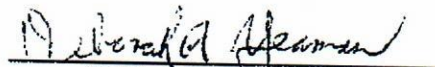
NORTHWESTERLY by Bay Street, 50.1 feet;
NORTHEASTERLY by Lot 87, 83.0 feet;
SOUTHEASTERLY by Lot 81, 50.1 feet; and
SOUTHWESTERLY by Lot 89, 83.0 feet.

The Grantors state, under the pains and penalties of perjury, that the property is not and was not their principal residence and that neither they nor any other person is or was entitled to an Estate of Homestead under Massachusetts General Laws, Chapter 188.

Property Address: 28 Bay St., Wareham, MA

For Grantors' Title see that Deed to her dated this date and recorded with the Plymouth County Registry of Deeds herewith.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 30th day of December, 2016.

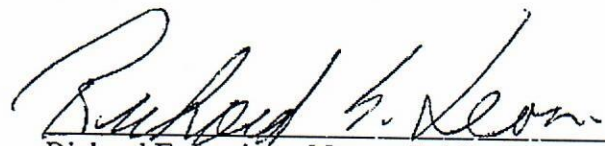

DEBORAH A. YEAMAN

COMMONWEALTH OF MASSACHUSETTS

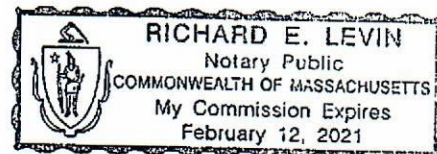
NORFOLK, SS

December 30, 2016

On this day, before me, the undersigned Notary Public, personally appeared DEBORAH A. YEAMAN, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding/attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and stated that the facts stated therein are true.



Richard E. Levin - Notary Public
My Commission Expires: February 12, 2021





TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

Yeaman Family Irrevocable Trust
C/o Sam Jamele, J.C. Engineering, Inc.
2854 Cranberry Highway
Wareham, MA 02538

January 6, 2021

RE: 28 Bay Street.

Map 3, Lot 88

I have reviewed your application to increase the size of your existing residential dwelling at 28 Bay Street, in Wareham, MA. The proposal does not comply with the requirements set forth in the Wareham zoning by-law and must be denied at this time.

You are proposing a 16' x 24' single story addition on the rear side of your existing structure. The addition meets the setback and F.A.R. requirements for the MR-30 zoning district, but it increases the building coverage from 21% to 28.9% where 25% is permitted. This is a new non-conformity and will require a Variance from the Zoning Board of Appeals.

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

- **Article 6 -Table 621, Residential Districts:** Your proposal increases the existing building coverage from 21% to 28.9% where 25% is permitted. This is a new non-conformity and will require a Variance from the Zoning Board of Appeals.
- **Article 13, Section 1357, Non-conforming structures:** "Any proposed change that adds a new non-conformity will require a variance from the Zoning Board of Appeals".

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

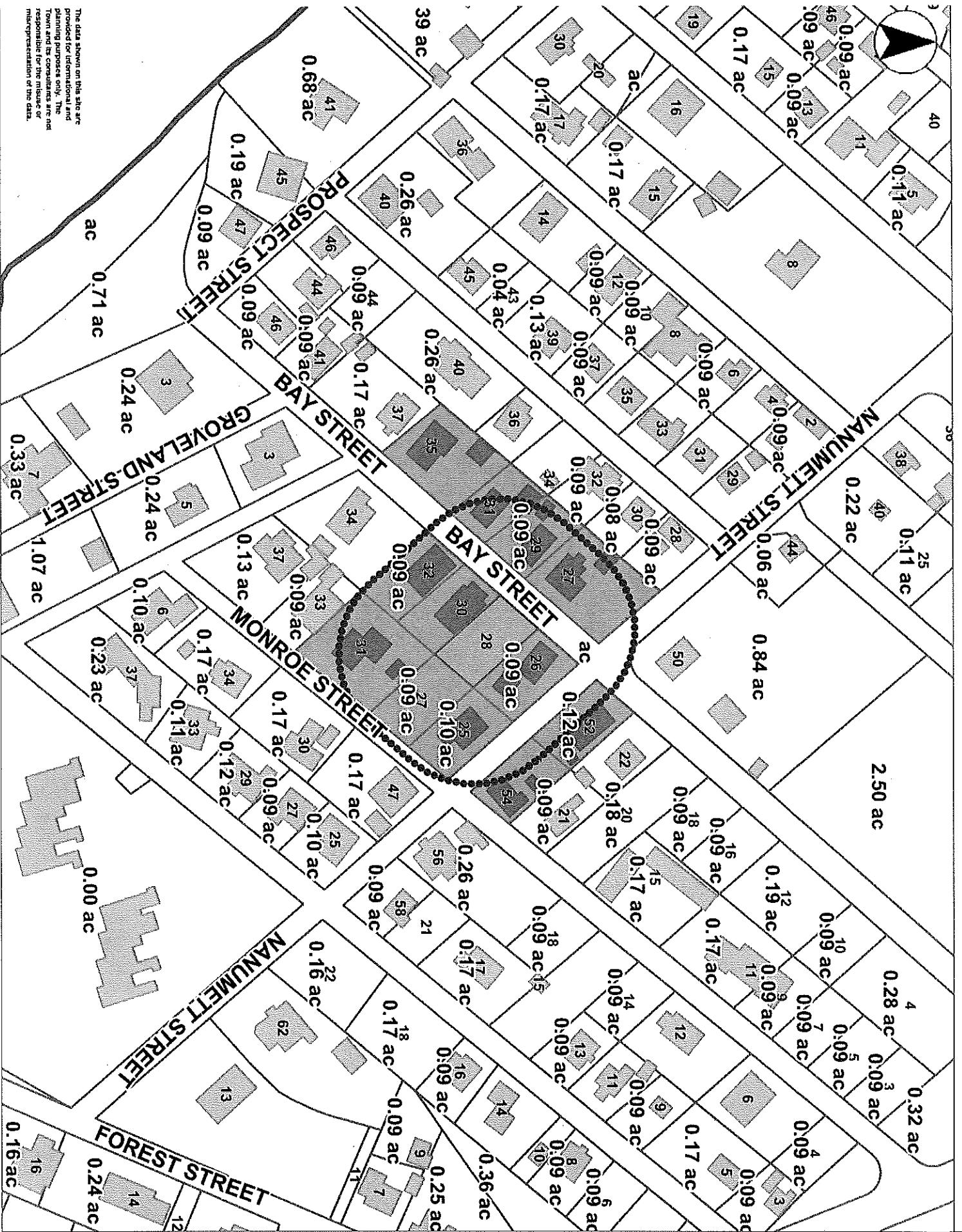
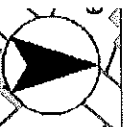
Respectfully,

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.

TOWN OF WAREHAM ABUTTERS						
MAP 3 LOT 88						
OWNER YEAMAN FAMILY IRREVOCABLE TRUST						
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
3-112	BEALS GEORGE L JR	BEALS ROBYN J	35 BAY ST RFD 3	BUZZARDS BAY	MA	02532
3-111	JORDAN WILLIAM A		D1 10TH AVE	KEY WEST	FL	33040
3-110	GAGNE GLORIA F LIFE ESTATE	C/O MARK GAGNE	52 STONY HILL RD	CHESHIRE	CT	06410
3-90	LAMONTAGNE GAVIN P		32 BAY STREET	BUZZARDS BAY	MA	02532
3-108	OUTCHCUNIS NIKOLAS	OUTCHCUNIS JOANNE	27 BAY ST	BUZZARDS BAY	MA	02532
3-89	JONES JANET		30 BAY ST RFD#3	BUZZARDS BAY	MA	02532
3-87	NICCOLI ANN E TRUSTEE	ANN E NICCOLI TRUST	15 LEDGEWOOD DR	BRIDGEWATER	MA	02324
3-81	NEEDHAM JOHN J JR	GOES MARY K	31 MONROE ST	BUZZARDS BAY	MA	02532
3-11	PIMENTAL KATHLEEN E	PIMENTAL EDWARD G SR	52 NANUMETT ST	BUZZARDS BAY	MA	02532
3-80	WYATT GLENN D	WYATT MARJORIE C	P O BOX 1584	ONSET	MA	02558
3-22	NADEAU JOSEPH J		54 NANUMETT ST	BUZZARDS BAY	MA	02532
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 12/01/2020						
	<i>By Peter Oliver</i>					
ASSESSORS OFFICE						
REQUESTED BY						
SAM IAMELE						
JC ENGINEERING INC						
508 273-0377						
SIAMELE@JCENGINEERINGINC.COM						



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

180

360 ft

Printed on 01/06/2021 at 01:29 PM

MapOnline by PeopleGIS

- MA Places
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parcels
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Route
- Streets
- Bathymetry
- 0-5 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

28 Bay Street, Onset, MA



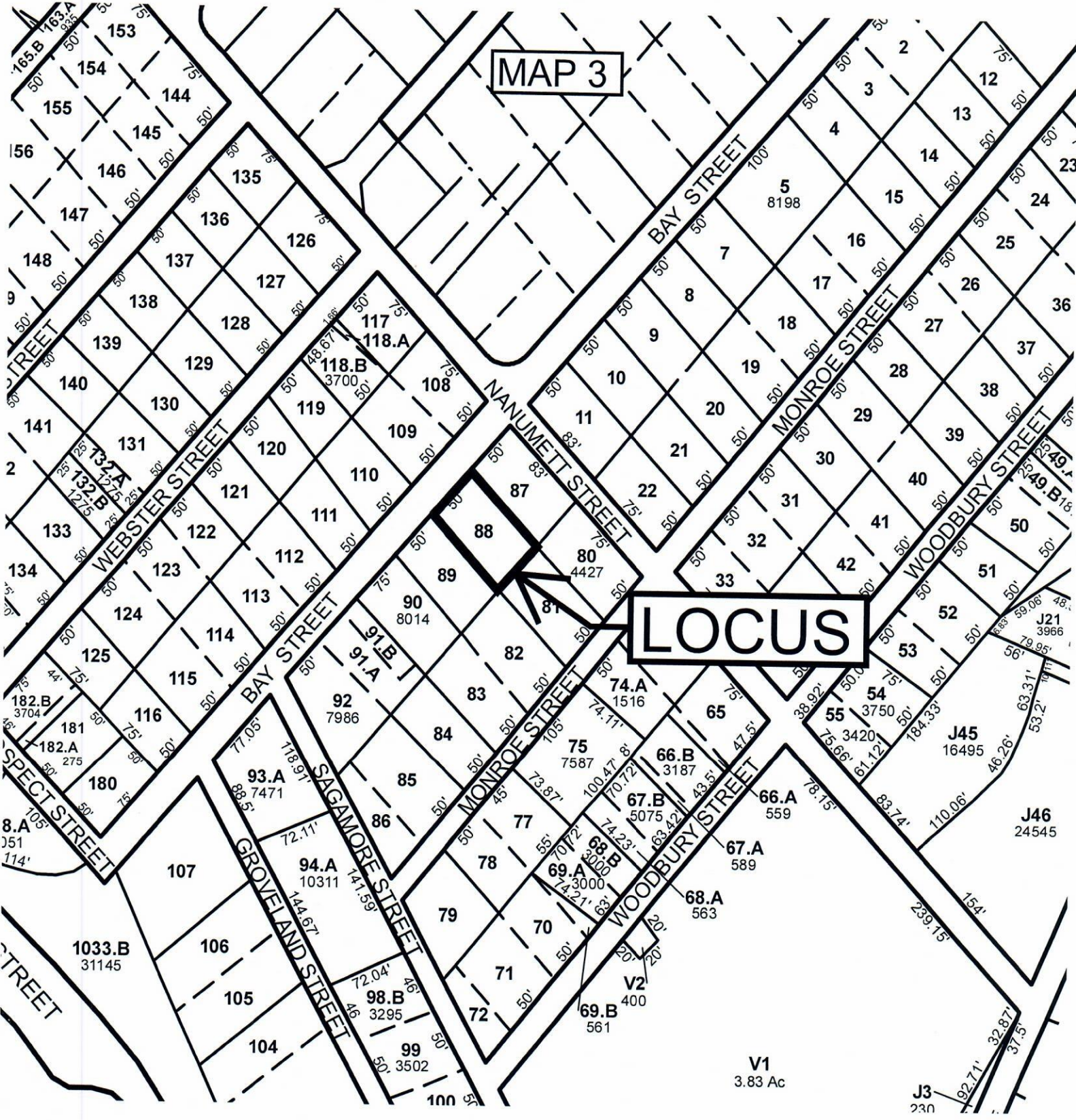
(Front View – Photo Taken 10-23-20)



(Rear View – Photo Taken 10-23-20)

MAP 3

LOCUS



V1
3.83 Ac

J3
230

J46
24545

J45
16495

J21
3966

ZONING DISTRICT: MR-30

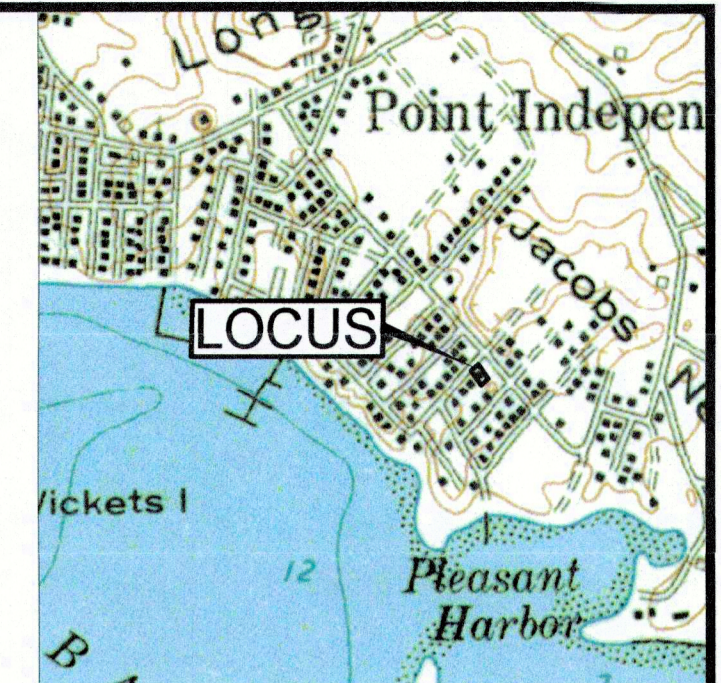
LOT AREA = 4,515± S.F.

	REQUIRED	EXISTING CONDITIONS	PROPOSED CONDITIONS
LOT AREA	30,000 sf MIN.	4,515 sf	N/A
LOT FRONTAGE	150' MIN.	50.1'	N/A
FRONT SETBACK	20' MIN.	10.9'	10.9'
REAR SETBACK	10' MIN.	39.5'	15.1'
SIDE SETBACK	10' MIN.	10.7'	10.5'
BUILDING HEIGHT	35' MAX.	< 35'	< 35'
BUILDING COVERAGE	25% MAX.	21.0%	28.9%
IMPERVIOUS SURFACE	NR	N/A	N/A
FLOOR AREA RATIO	30% MAX.*	21.8%	29.5%

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

NOTES:

- 1.) ALL UTILITIES SHOWN ON THIS PLAN ARE CONSIDERED APPROXIMATE ONLY.
- 2.) NO SUBSURFACE EXPLORATORY OBSERVATION HOLES WERE CONDUCTED ON THIS PROPERTY TO DETERMINE SOILS CLASSIFICATION AND GROUNDWATER. CONTRACTOR TO TAKE NECESSARY MITIGATION IF GROUNDWATER IS ENCOUNTERED.



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

OWNER OF RECORD:
YEAMAN FAMILY
IRREVOCABLE TRUST
51 LOCUST STREET
UXBRIDGE, MA 01569

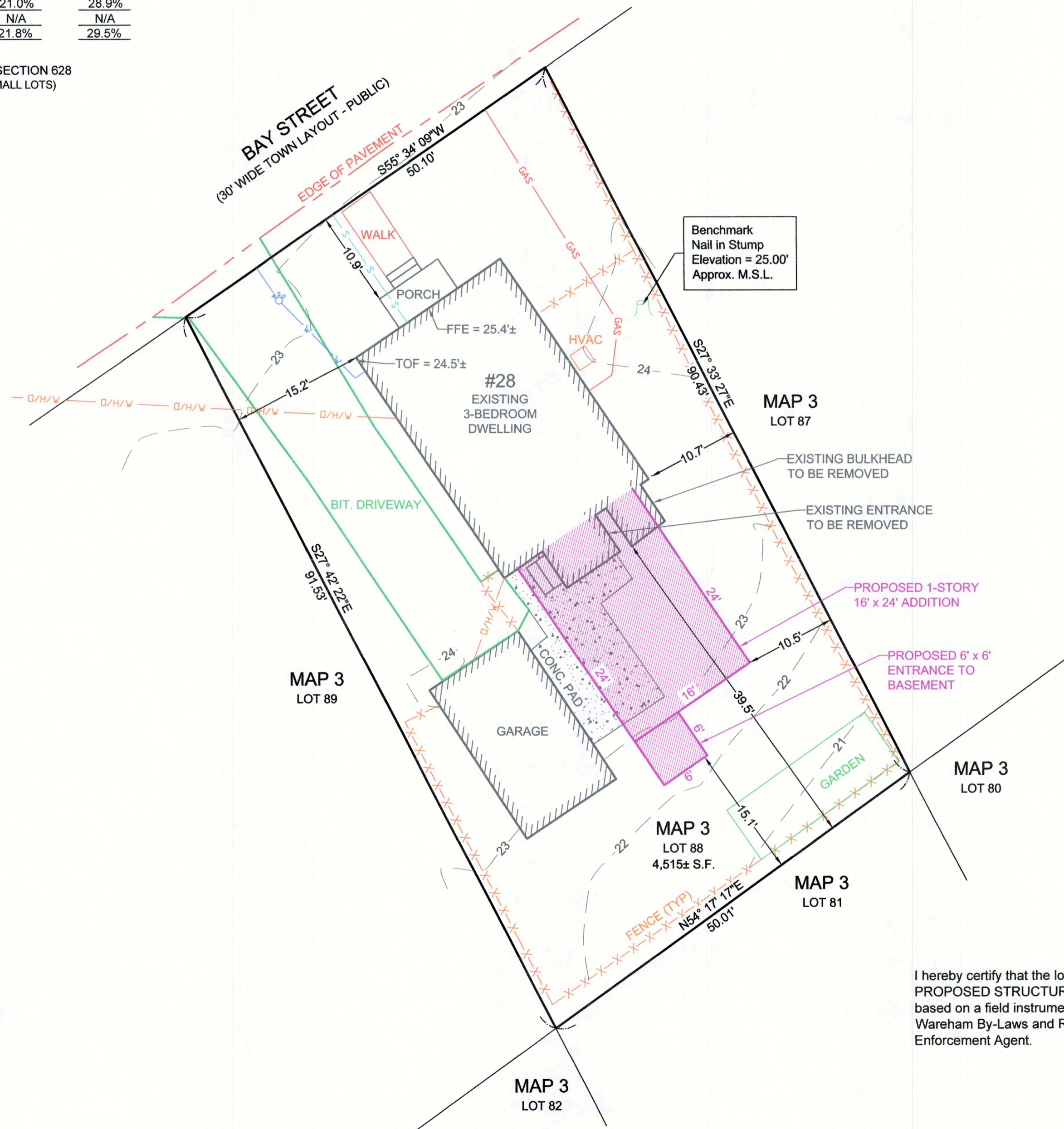
FEMA FLOOD ZONE (ENTIRE LOT):
X

FEMA MAP NUMBER:
25023C0582K

ASSESSOR'S MAP & LOT:
MAP 3, LOT 88

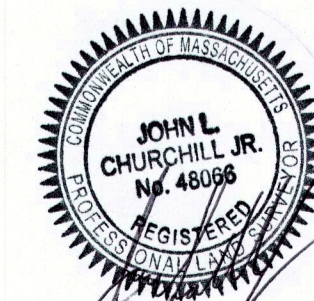
DEED REFERENCE:
BOOK 47953, PAGE 319

PLAN REFERENCE:
PLAN BOOK 1, PAGE 132
PLAN BOOK 7, PAGE 59
PLAN BOOK 37, PAGE 312
PLAN BOOK 37, PAGE 878
PLAN BOOK 51, PAGE 295
L.C. PLAN #10166A
L.C. PLAN #23862A



L.C. PLAN#10166A

I hereby certify that the lot corners, dimensions, and setbacks to the PROPOSED STRUCTURE 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.



11/12/20
Date

Professional Land Surveyor

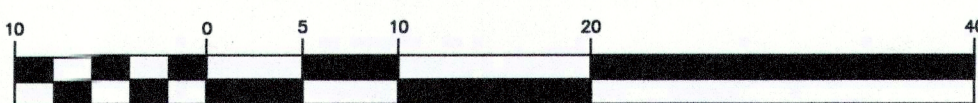
PLOT PLAN
AT
28 BAY STREET
ONSET, MA 02558

PREPARED FOR:
PAUL & DEBORAH YEAMAN

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

SCALE: 1" = 10' NOVEMBER 12, 2020

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.