

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

August 12, 2020

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

Re: Variance application – 13 Over Jordan Road, Wareham

Dear Chairman Elkallassi and Members of the Board:

Ament Klauer LLP represents TJP Realty LLC, the owner of 13 Over Jordan Road, Wareham, and the applicant in this matter. This is a separate application from the previously submitted application relative to the construction of a barn.

The owners are seeking to construct a new, single-family dwelling on the lot, a portion of which will exceed the 35' height limitation. Therefore, this design and dwelling will require a variance from §621 of the Zoning Bylaw from the Zoning Board of Appeals.

The property is located in a velocity zone. The house is designed so that the bottom of the lowest portion of horizontal structural members supporting habitable space is at elevation 19', being approximately between elevations 8' and 10'. The dwelling itself is designed as 30'2", therefore bringing the total height, as measured average ground elevation to the highest structural member of the building above the 35' height limitation set forth in §621 of the Zoning Bylaw. The premises consist of large lot, being 5.39 acres, and the location of the proposed dwelling is such that it will not impact views from public ways or affect abutting properties. The height of the proposed dwelling is to be approximately 40' to the ridge of the so-called "Lighthouse".

The shape and size of the lot are unique relative to the general zoning district and are disproportionately affected by the flood zone elevation of VE17 and VE18 as the entirety of the lot is impacted by the flood area. As such a literal enforcement of the Zoning Bylaw would constitute a hardship to the applicant. The location and design of the house are such that they are not readily visible from the public ways. Given that, the variance can be allowed without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Wareham Zoning Bylaw.

To this end, enclosed are the following:

1. Petition for Variance with Applicant/Representative Information;
2. Copies of the present Deed filed with the Plymouth County Registry of Deeds;

Zoning Board of Appeals

August 12, 2020

Page 2

3. Abutters List;
4. Letter
5. Site Plan entitled "Sewage Disposal System Design Prepared for TJP Realty, LLC Map 20 / Lot 1035-C, 13 Over Jordan Road, Wareham, MA" prepared by G.A.F. Engineering, Inc. dated February 6, 2020;
6. Floor Plans and Elevations entitled "Parenteau Residence – TJ Over Jordan Road, Wareham, MA 02571" dated July 8, 2020 and prepared by Longfellow Design Build;
7. Copies of the Abutters List.
8. Fees as follows:
 - a. Wareham Week - \$80.00 (publication notice)
 - b. Town of Wareham - \$370.70 (filing and mailing fee)

Please confirm when this matter will be placed on the Board of Appeals agenda. Should you have any questions, please do not hesitate to call.

Very truly yours,



Kevin P. Klauer II

Enclosures

cc: TJP Realty LLC

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 \$6.73 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: 13 Over Jordan Road MAP: 20 LOT: 1026

ZONING DISTRICT: R-60

USE REQUESTED: Single-family dwelling

OWNER OF LAND & BUILDING: TJP Realty LLC TEL.# c/o Ament Klauer 508-540-6555

ADDRESS OF OWNER: 310 Kenneth Welch Drive, Lakeville, MA

PERSON(S) WHO WILL UTILIZE PERMIT: TJP Realty LLC

ADDRESS: 310 Kenneth Welch Drive, Lakeville, MA

DATE: August 12, 2020 SIGNATURE: 

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 Applicable: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: TJP Realty LLC

Applicant's Address: 310 Kenneth Welch Drive, Lakeville, MA

Telephone Number: c/o Ament Klauer LLP 508-540-6555

Cell Phone Number: N/A

Email Address: c/o Kevin P. Klauer II, Esq. - kevin@amentklauer.com

Address of Property/Project: 13 Over Jordan Road

Landowner's Name: TJP Realty LLC

Owner's Address: 310 Kenneth Welch Drive, Lakeville, MA

Telephone Number: c/o Ament Klauer LLP 508-540-6555

Contact Person: Kevin P. Klauer II, Esq. Telephone Number: 508-540-6555

Map 20 Lot 1026 Zone R-60

Date Approved _____ Date Denied _____

Comments: _____

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 06/18/2019 03:52 PM
Ctrl# 125161 24001 Doc# 00045709
Fee: \$10,989.60 Cons: \$2,409,660.00

CANCELLED



Bk: 51249 Pg: 227 Page: 1 of 16
Recorded: 06/18/2019 03:52 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

FIDUCIARY DEED

10 Over Jordan Rd & other Parcels
Address: Multiple Parcels in Wareham, Massachusetts

Robert G. Petix, Jr., as Personal Representative under the will of Paul Volpe, Plymouth County Probate Court Docket No. PL17P1806EA, with an address of c/o Hinckley Allen, 28 State Street, Boston, Massachusetts 02109, ("Grantor"), for consideration paid of Two Million Four Hundred Nine Thousand Six Hundred Sixty and 00/100 Dollars (\$2,409,660.00) grants to **TJP REALTY, LLC**, a Massachusetts limited liability company, with principal place of business at 310 Kenneth Welch Drive, Lakeville, Massachusetts 02347 ("Grantee"), with **WITHOUT COVENANTS**,

Multiple parcels of land with any buildings thereon located in the Town of Wareham, County of Plymouth, Commonwealth of Massachusetts, described as follows:

See Exhibit A attached hereto

Grantor hereby waives any and all rights of Homestead in and to the premises conveyed hereby and warrants and represents that there are no other persons entitled to any rights under M.G.L. c. 188 in the premises conveyed by this Deed.

Paul Volpe died July 3, 2017 (Plymouth County Probate Docket Number PL17P1806EA) Ethel E. Volpe died December 8, 1983 (Norfolk County Probate Docket Number NO83F3178E1) and Sabestino Volpe died on August 8, 1975 (Norfolk County Probate Number 75F2431-E1).

EXECUTED as a sealed instrument this 24th day of May, 2019.

[Signature], PR
Robert G. Petix, Jr., as Personal Representative
of the Estate of Paul Volpe, and not individually

State/Commonwealth of WYOMING
County of TETON, ss.

On this 24th day of MAY, 2019, before me, the undersigned notary public, personally appeared Robert G. Petix, Jr., as Personal Representative of the Estate of Paul Volpe, proved to me through satisfactory evidence of identification, which was DRIVER'S LICENSE, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it as his free act and deed, and voluntarily for its stated purpose in his various capacities as noted above.



[Signature]
Notary public
My commission expires: NOVEMBER 1, 2021

EXHIBIT A

All of the real property in the Town of Wareham, County of Plymouth, Commonwealth of Massachusetts, described as follows:

PARCEL 1:

A: 10 Over Jordan Road

The land in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a concrete bound on the westerly sideline of Over Jordan Road, at the southerly corner of Sabestino and Ethel E. Volpe; thence

SOUTH 39° 17' 30" WEST Ten and 23/100 (10.23) feet by Over Jordan Road to an angle point; thence

SOUTH 38° 52' 10" WEST Three hundred and 97/100 (300.97) feet by Over Jordan Road to an angle point; thence

SOUTH 35° 13' 30" WEST One hundred eighty and 87/100 (180.87) feet to Over Jordan Road to a concrete bound, thence

NORTH 65° 14' 10" WEST Five hundred fifteen and 59/100 (515.59) feet by remaining land of Ethel H. Burgess to a concrete bound, thence

NORTH 63° 03' 20" EAST Two hundred seventy-two and 86/100 (272.86) feet by land of Amelia J. Doherty to a concrete bound, thence

NORTH 08° 45' 40" WEST Two hundred fifty-three and 80/100 (253.80) feet by said land of Doherty to a concrete bound; and thence

SOUTH 70° 24' 40" EAST Five hundred ninety-seven and 88/100 (597.88) feet by remaining land of Ethel H. Burgess to the point of beginning.

Containing 5.0 acres more or less. All of said bounds, courses, and distances are shown on "Plan of Land surveyed for Ethel H. Burgess, Great Neck, Wareham, Mass., Aug. 26, 1960, Walter E. Rowley & Associates," recorded with the Plymouth County Registry of Deeds as Plan No. 711 of 1960 in Book 2813, Page 479.

B: 17 Over Jordan Road

The triangular lot of land shown as Lot "B" containing 1,450 square feet more or less on "Plan of Lots at Over Jordan, Wareham, Massachusetts, surveyed for Bertram L. Yaffe, et al," Walter E. Rowley, Surveyor, dated March 21, 1951, recorded with Plymouth County Registry of Deeds in Plan Book 8, Page 384, and bounded and described as follows:

NORTHWESTERLY by the Private Way shown on said plan 138.65 feet;

EASTERLY by Lot 7 on said plan, 33 feet more or less; and

SOUTHERLY by the mean high water mark of Onset Bay.

Meaning and intending to describe and convey that parcel conveyed to Paul Volpe by deed dated November 30, 1987 and recorded in the Plymouth County Registry of Deeds at Book 8174 page 165.

PARCEL 2 - 172 Great Neck Road

The land at Great Neck Road, Wareham, Plymouth County, Massachusetts, being Lot 1019C4 on a "Plan of Land Prepared for Woodstok Construction Co. of Buzzards Bay, Inc. Great Neck Road, Wareham, Mass." dated November 12, 1985, by Braman Engineering Co., Civil Engineers and Surveyors, recorded with Plymouth County Registry of Deeds as Plan No. 112 of 1986, Plan Book 6555, Page 267.

Subject to easements and restrictions of record insofar as they are in force and applicable.

Meaning and intending to describe and convey that parcel conveyed to Paul Volpe by deed dated December 8, 1988 and recorded in the Plymouth County Registry of Deeds at Book 8885 page 256.

PARCEL 3 - Off Over Jordan Road

The land and the buildings thereon situated in Wareham, Massachusetts, in the part of Wareham called Burgess Point consisting of two tracts of land more particularly bounded and described as follows:

Parcel 1. Beginning at a stake at mean high water, standing N. 5° 55' W. and 207.50 feet distance from the northwest corner of a lot of land owned by Captain Joslyn, and being the easterly corner of the described lot; thence S. 72° 42' W. 150 feet to a stake thence N. 17° 18' W. 150 feet to a stake; thence N. 72° 42' E. 150 feet to a stake at mean high water; thence in same course to mean low water line; thence S. 17° 18' E. in mean low water line of Onset Bay

about 150 feet; thence S. 72° 42' W. to said stake at mean high water mark and point of beginning.

Parcel 2. Beginning at the southeasterly corner of said tract at a stake, said point also being the northwesterly corner of Tract 1, said stake bearing N. 17° 18' W. from a concrete bound and 150 feet distant therefrom. Thence N. 17° 18' W. 100 feet by land of Clarence N. Hewitt to a stake for a corner; thence N. 72° 42' E. by land of Ethel H. Burgess 216 feet to a stake at or near mean low water line of Shell Point Bay 100 feet, more or less, to a stake for a bound; thence S. 72° 42' W. 66 feet to a stake; thence in the same course 150 feet to the point of beginning. Containing 21,600 square feet more or less.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated June 18, 1945 and recorded in the Plymouth County Registry of Deeds at Book 1918 page 572.

PARCEL 4 - 14 and 15 Shell Lane

The land in Wareham, Plymouth County, Massachusetts in that part called Burgess Point, bounded and described as follows:

Beginning at the Northeast corner of the lot to be described at a stake standing in or near the mean high water mark of Onset Bay and the Northwest corner of land now or formerly of Edwin W. Joslin;

thence South 38 degrees 6 minutes West, two hundred forty-two and 75/100 (242.75) feet by land now or formerly of said Joslin and land now or formerly of Joseph H. Burgess, to a stake;

thence North 16 degrees 31 minutes West, sixty-one and 20/100 (61.20) feet by land now or formerly of Joseph H. Burgess, to a stake;

thence North 38 degrees 6 minutes East, two hundred nine and 50/100 (209.50) feet by land now or formerly of Joseph H. Burgess, to a stake near mean high water mark of Onset Bay;

thence South 49 degrees 30 minutes East, fifty and no/100 (50.0) feet by mean high water of said Onset Bay to the bound first mentioned and to said lot from mean high water line to mean low water line between the sidelines of said lot extended to mean low water line.

Subject to easements and restrictions of record insofar as they may be in force and applicable.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated September 30, 1954 and recorded in the Plymouth County Registry of Deeds at Book 2412 page 159.

PARCEL 5 - 19 Shell Lane

A certain tract of land in said Wareham, Plymouth County, Massachusetts, with the buildings thereon, bounded and described as follows:

Beginning at a point for a corner which is located S 17° 18' E, one hundred fifty feet (150.0 ft.) from a stone bound on the Southeasterly sideline of Over Jordan Road marking the northerly corner of land of Lottie Burgess Hewitt, said point is also located S 17° 18' E thirty-two and 35/100 feet (32.35 ft.) from a concrete bound marking the westerly corner of a 15 ft. way to Shell Point Bay;

Thence running S 17° 18' E two hundred thirty-two and 65/100 feet (232.65 ft.) by land of Sabestino and Ethel E. Volpe to a concrete bound for a corner;

Thence turning and running N.E. 72° 42', one hundred and fifty feet (150.0 ft.) by land of said Volpe to an iron pipe;

Thence continuing in same course sixty feet (60 ft.) more or less to the mean low water line of Shell Point Bay;

Thence turning and running in a southerly direction by said mean low water line of Shell Point Bay one hundred feet (100 ft.) more or less to a point for a corner and land of Ethel H. Burgess;

Thence turning and running S.W. 72° 42' sixty feet (60 ft.) more or less by land of Ethel H. Burgess, to an iron pipe;

Thence continuing in same course by land of Ethel H. Burgess, one hundred fifty feet (150.0 ft.) to a concrete bound;

Thence continuing in same course by land of Ethel H. Burgess two hundred feet (200 ft.) to a point for a corner;

Thence turning and running N.W. 17° 18' two hundred seventy-one and 50/100 feet (271.50 ft.) more or less by land of Ethel H. Burgess to a point for a corner, said point being located S.E. 17° 18', one hundred fifty feet (150 ft.) from a stone bound in the southeasterly sideline of Over Jordan Road;

Thence turning and running N.E. 55° 54' two hundred nine feet (209 ft.) more or less by remaining land of Lottie Burgess Hewitt, said line being parallel to Over Jordan Road, to the point first mentioned and point of beginning.

Containing 81,400 square feet more or less.

Together with any and all right or rights of way of passing and repassing between the premises hereby conveyed and the main road, known as Great Neck Road, as set forth in Deed recorded in Book 2391, Page 44.

And more particularly including a right of way ten feet (10 ft.) in width, adjacent to and easterly of the westerly line of remaining land of Grantor, said right of way extending South 17° 18' East one hundred fifty feet (150.0 ft.) from a stone bound in the southeasterly sideline of Over Jordan Road which marks the most westerly corner of remaining land, said right of way extending into Over Jordan Road to the center thereof, as set forth in Deed recorded in Book 2391, Page 44.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated November 26, 1954 and recorded in the Plymouth County Registry of Deeds at Book 2391 page 44.

PARCEL 6 - 13 Over Jordan Road

Two certain parcels of land with the buildings thereon situated in that part of Wareham known as Burgess Point being more particularly bounded and described as follows:

Parcel A - Beginning at a stone bound in the southerly sideline of Over Jordan Road, it being the northeasterly corner of the lot to be described and the westerly corner of a lot of land conveyed to Sabestino Volpe et ux, and recorded in the Plymouth County Registry of Deeds, Book 2570, Page 341;

thence running in line of land of Sabestino Volpe et ux, South 17° 18' 00" East 150.00 feet to a point for a corner;

thence turning and running in line of other land of Sabestino Volpe et ux, North 55° 54' 00" East 209 feet more or less to a point for a corner;

thence turning and running in line of other land of Sabestino Volpe et ux North 17° 18' 00" West 150.00 feet to a stone bound in the southerly sideline of Over Jordan Road;

thence turning and running in the southerly sideline of Over Jordan Road, North 56° 54' 00" East 209 feet more or less to the stone bound first mentioned and point of beginning. The above described lot contains 30,000 square feet more or less and is a portion of the premises described in deed of Burgess to Hewitt recorded in the Plymouth County Registry of Deeds, Book 1745, Page 301.

Parcel B - Beginning at a concrete bound at the westerly corner of the lot to be described, said concrete bound being situated South 17° 18' 00" East 117.65 feet from the stone bound first mentioned in Parcel A of this conveyance;

thence running by land of Sabestino Volpe et ux, North 72° 42' 00" East 216.0 feet to the low water mark of Shell Point Bay;

thence turning and running by the low water mark of Shell Point Bay, southerly 15 feet more or less to a point for a corner;

thence turning and running by other land of Sabestino Volpe et ux, 72° 42' 00" West 216.0 feet to a stake for a corner;

thence turning and running in line of Parcel I, North 17° 18' 00" West 15.0 feet to the concrete bound first mentioned and point of beginning. The above described lot contains 3,240 square feet more or less and is shown on a plan recorded in Plan Book 7, Page 596.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated October 21, 1957 and recorded in the

Plymouth County Registry of Deeds at Book 2601 page 59.

PARCEL 7 - 17 Shell Lane

A certain parcel of land in Wareham, Plymouth County, Massachusetts, containing 6500 square feet more or less and shown on "Plan of Land Surveyed for Ethel H. Burgess, Great Neck, Wareham, Mass. May 23, 1961, Walter E. Rowley & Associates, West Wareham, Mass., revised June 13, 1961", filed with Plymouth County Registry of Deeds July 5, 1961, as Plan No. 434 of 1961, in Book 2861, Page 471.

Said parcel is more particularly bounded and described as follows:

Beginning at a concrete bound at the most southerly corner of said parcel at land of Ruth S. Bullock in the westerly sideline of an existing right of way; thence running

North 17° 01' 50" West, 50.01 feet in said sideline and by said land of Ruth S. Bullock to a concrete bound; thence;

North, 7° 56' 20" West, 73.75 feet by land of Sabestino and Ethel E. Volpe in the westerly sideline of said right of way to a stake; thence;

North, 72° 42' 00" East, 62.18 feet by land of Sabestino and Ethel E. Volpe, formerly owned by Lottie B. Hewitt, to a drill hole in a wall, and continuing in the same course to the waters of Shell Point Bay; thence southeasterly, by Shell Point Bay to other land of Sabestino and Ethel E. Volpe; thence;

South, 37° 02' 50" West, by land of Sabestino and Ethel E. Volpe to a stone bound standing near the shore; and thence;

South, 37° 05' 50" West, 110.14 feet by land of Sabestino and Ethel E. Volpe to the point of beginning.

Subject to existing rights of way and easements of record, rights of the public in the portion below the high water mark and easements described in deed from Joseph H. Burgess recorded in Book 1697 Page 537.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated May 16, 1963 and recorded in the Plymouth County Registry of Deeds at Book 3019 page 225.

PARCEL 8 – 4 Shell Lane

The land in Wareham, Plymouth County, Massachusetts bounded and described as follows:

Beginning at a concrete bound in the westerly sideline of a state way leading easterly and northeasterly from Great Neck Road, at the southeasterly corner of land now or formerly of Sabestino Volpe and Ethel E. Volpe; thence running

NORTHWESTERLY 145.80 feet more or less by said land now or formerly of said Volpe to a stake; thence
NORTHERLY 85 feet by said land now or formerly of Volpe to a concrete bound in the westerly corner of land now or formerly of John J. and Rita C. Kelley; thence
SOUTH 89° 05' 30" EAST 145 feet by said land now or formerly of John J. and Rita C. Kelley, to a concrete bound in the westerly sideline of said private way; and thence
SOUTH 6° 23' 10" WEST 150 feet by said private way to the point of beginning.

Containing 16,260 square feet more or less.

Together with the right to pass and repass in and over remaining land of said Ethel H. Burgess, between the land hereby conveyed and Onset Bay, over such portion of said remaining land as shall be determined by said Ethel H. Burgess from time to time, in common with others having a like right, recreational purposes only.

Right to pass and repass over said private way between the land hereby conveyed and Great Neck Road, as set forth in Deed recorded in Book 2636, page 437.

The courses and distances herein set forth are substantially as shown on "Plan of portion of land of Ethel H. Burgess on Great Neck, Wareham, July 5, 1955, Newell B. Snow, Eng'r." [not found of record].

Subject to the conditions and restrictions that it shall be used only for residential purposes that it shall not be used for business or commercial purposes, and that not more than one dwelling shall be erected or maintained thereon. No other building shall be erected or maintained except a garage housing not more than two cars.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated June 2, 1958 and recorded in the Plymouth County Registry of Deeds at Book 2636 page 437.

PARCEL 9 - 6 Shell Lane

The land in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a concrete bound in the westerly sideline of a private way leading easterly and northeasterly from Great Neck Road, at the southeasterly corner of land now or formerly of Frank J. and Frances Dermody; thence running

SOUTH 6° 47' 30" EAST 150 feet by said private way to a concrete bound; thence
NORTH 89° 05' 30" WEST 145 feet by land now or formerly of Ethel H. Burgess to a concrete bound at land now or formerly of Sabestino Volpe and Ethel E. Volpe; thence
NORTHEASTERLY 85 feet by said land now or formerly of Volpe to a concrete bound; thence
EASTERLY 39.95 feet by said land now or formerly of said Volpe to a concrete bound at the southwesterly corner of said land now or formerly of Dermody; and thence
NORTH 63° 52' 20" EAST 100.05 feet by said land now or formerly of Dermody to the point of beginning.

Containing 15,950 square feet more or less.

Said land is hereby conveyed together with the right to pass and repass in and over remaining land of said Ethel H. Burgess, between the land hereby conveyed and Onset Bay, over such portion of said remaining land as shall be determined by said Ethel H. Burgess from time to time, in common with others having a like right, for recreational purposes only.

Said land is hereby conveyed with the right to pass and repass over a private way between the land hereby conveyed and Great Neck Road, as set forth in the Deed recorded in Book 2636, Page 438.

The courses and distances herein set forth are substantially as set forth on "Plan of portion of land of Ethel H. Burgess on Great Neck, Wareham, July 5, 1955, Newell B. Snow, Eng'r," [not found of record].

Subject to the conditions and restrictions that it shall be used only for residential purposes that it shall not be used for business or commercial purposes, and that not more than one dwelling shall be erected or maintained thereon. No other building shall be erected or maintained except a garage housing not more than two cars.

Meaning and intending to describe and convey that parcel conveyed to Sabestino

Volpe and Ethel E. Volpe by deed dated June 2, 1958 and recorded in the Plymouth County Registry of Deeds at Book 2636 page 438.

PARCEL 10 – 16 Shell Lane

The land in Wareham, Plymouth County, Massachusetts, situated on the southerly shore of Shell Point Cove, bounded and described as follows

Beginning at a cement bound in the westerly sideline of a private way at land now or formerly of Joseph J. and Marquerite B. Heard;

thence running South 38° 06' West, ninety-nine and 65/100 (99.65) feet by said Heard land to a stone bound;
thence North 16° 31' West, sixty-one and 15/100 (61.15) feet by land formerly of Joseph H. Burgess to a cement bound;
thence North 43° 55' East, ninety-four and 20/100 (94.20) feet by other land formerly of Joseph H. Burgess to a cement bound in the westerly sideline of said private way; and
thence South 15° 50' East by said private way to the point of beginning.

Together with the right to use the boat landing on other land formerly of Joseph H. Burgess to the West in common with the heirs and assigns of said Joseph H. Burgess so far as the same is in force and applicable thereto, as set forth in Deed recorded in Book 2575, Page 56.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated June 11, 195 and recorded in the Plymouth County Registry of Deeds at Book 2575 page 56.

PARCEL 11 - 9 Shell Lane

The land in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a concrete bound in the easterly sideline of a private way known as Shore Road on or near Burgess Point at the southerly corner of land recently conveyed to said Sabestino Volpe and Ethel E. Volpe by deed from Mildred Pratt Ryan, said concrete bound being distant about 50 feet southerly from land of Winifred Murray measured along said private way; thence running

North 41° 06' 20" East 247 feet more or less by said land formerly of Mildred Pratt Ryan to mean low water mark of Shell Point Cove; thence
Southerly 25 feet more or less by Shell Point Cove to a point for a corner; thence South 41° 06' 20" West 260 feet more or less by remaining land of Ethel H. Burgess to said private way; and thence
North 23° 40' 00" West 27.63 feet by said private way to the point of beginning.

Together with the right to pass and repass in and over said private way between

the land hereby conveyed and Great Neck Road, as set forth in Deed recorded in Book 2468, Page 100.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated November 30, 1955 and recorded in the Plymouth County Registry of Deeds at Book 2468 page 100.

PARCEL 12.

Four certain parcels of land situated in that part of Wareham, Plymouth County, Massachusetts, known as Great Neck, with the buildings thereon, described as follows:

Parcel #1 - 12, 14 & 16 Over Jordan Road

Lot A, Lot B and Lot C as shown on a plan entitled "Division of Parcel 1 Owned by Sabestino Volpe and Ethel Volpe, Great Neck, Wareham, Mass. November 4, 1957, Walter E. Rowley, Surveyor, West Wareham, Mass." recorded with Plymouth County Registry of Deeds in Plan Book 11, Page 244.

Lot A contains 42,720 square feet more or less, Lot B contains 24,192 square feet more or less and Lot C contains 27,430 square feet more or less, all according to said plan.

Parcel #2 - 15 Over Jordan Road

"Parcel #2" as shown on "Plan of Land Surveyed for Ethel H. Burgess, Over Jordan Road, Great Neck, Wareham, September 17, 1956, Walter E. Rowley, Surveyor," recorded with Plymouth County Registry of Deeds in Book 2526, Page 336.

Parcel #2 contains 1.21 acres more or less according to said plan.

Both said parcels are hereby conveyed together with the right to pass and repossess in and over said Over Jordan Road between said parcels and the public road known as Great Neck Road in common with others having a like right.

Said parcels further described in the vesting deed as follows:

Two parcels of land situated in that part of Wareham, Plymouth County, Massachusetts, known as Great Neck, with the buildings thereon, bounded and described as follows:

Parcel #1 - 12, 14 & 16 Over Jordan Road

Beginning at a concrete bound in the northerly line of Over Jordan Road at the southwesterly corner of land now or formerly of Anna E. Hale;
thence running South 47° 43' 10" West, one hundred forty-three and 42/100 (143.42) feet by Over Jordan Road to a concrete bound;
thence South 65° 50' 10" West, two hundred seventy-six and 66/100

(276.66) feet by Over Jordan Road to a concrete bound;
thence North 29° 37' 20" West, one hundred thirty and 90/100 (130.90)
feet by remaining land of Ethel H. Burgess to a concrete bound;
thence North 4° 16' 20" West, two hundred eight and 38/100 (208.38)
feet by remaining land of Ethel H. Burgess to a concrete bound;
thence South 85° 45' 00" East, two hundred seventy-five and 08/100
(275.08) feet by remaining land of Ethel H. Burgess to a concrete bound;
thence North 50° 24' 00" East, sixty-eight and 40/100 (68.40) feet by
said land now or formerly of Anna E. Hale to a concrete bound;
thence South 39° 36' 00" East, one hundred seventy-five and 28/100
(175.28) feet by said land of Anna E. Hale to the point of beginning.

Containing 2.17 acres, more or less.

Parcel #2 - 15 Over Jordan Road

Beginning at a stone bound in the southerly line of over Jordan Road at the
northeasterly corner of land now or formerly of Lottie B. Hewitt;
thence running North 56° 50' 10" East, eighty and 78/100 (80.78) feet
by Over Jordan Road to a stake;
thence North 47° 43' 10" East, two hundred eighty and 86/100
(280.86) feet by Over Jordan Road to a point for a corner at land now or
formerly of Caroline L. Lowe;
thence South 28° 45' 00" East, eighty-nine and 72/100 (89.72) feet
by said land of Caroline L. Lowe to a stake;
thence South 28° 45' 00" East, twenty-nine and no/100 (29.0) feet, more
or less, to mean low water line of Shell Point Bay;
thence southwesterly, two hundred seventy and no/100 (270.0) feet, more
or less, by the waters of Shell Point Bay to said land now or formerly of Lottie B.
Hewitt;
thence South 82° 56' 30" West, seventy-five and no/100 (75.0) feet more or less, to a
stake;
thence South 82° 56' 30" West, eighty-two and 78/100 (82.78) feet by said land of
Hewitt to a stake;
thence South 82° 56' 30" West, fifty-nine and 57/100 (59.57) feet by
said land of Hewitt to a concrete bound; and
thence North 7° 03' 30" West, one hundred seventeen and 65/100
(117.65) feet by said land of Hewitt to the point of beginning.
Containing 1.21 acres, more or less.

Both said parcels are hereby conveyed together with the right to pass and
repass in and over said Over Jordan Road between said parcels and the public
road known as Great Neck Road in common with others having a like right.

Said parcel 2 is subject to any and all public rights legally existing in and over
the same below mean high water mark.

All of the courses, distances and bounds mentioned in the foregoing
descriptions of said Parcel #1 and Parcel #2 are as shown on "Plan of land
surveyed for Ethel H. Burgess, Over Jordan Road, Great Neck, Wareham,
September 17, 1956, Walter R. Rowley, surveyor," recorded with

Plymouth County Registry of Deeds as Plan No. 662 of 1956 in Book 2526, Page 336.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated September 26, 1956 and recorded in the Plymouth County Registry of Deeds at Book 2570 page 341.

PARCEL 13 - 11 Shell Lane

The land, together with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts, in that part known as Burgess Point bounded and described as follows:

Beginning at a stake and stones in the northerly sideline of Shore Road, it being the southeasterly corner of the within described premises;

thence running North 26 degrees West in the northerly line of Shore Road, fifty and no/100 (50.0) feet, to a point for a corner;

thence turning and running by land of Winnifred Murray, North 38 degrees 30 minutes East, one hundred seventy and no/100 (170.0) feet to mean high water mark;

thence continuing in the same course, North 38 degrees 30 minutes East to mean low water mark;

thence turning and running about South 42 degrees 30 minutes East on Onset Bay, fifty and no/100 (50.0) feet, more or less, to the easterly line of said lot extended to mean low water mark;

thence turning and running South 45 degrees 15 minutes West to a stake and stones at mean high water mark;

thence continuing in the same course, South 45 degrees 15 minutes West, one hundred eighty-four and no/100 (184.0) feet to the first mentioned bound and point of beginning.

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated October 13, 1955 and recorded in the Plymouth County Registry of Deeds at Book 2455 page 259.

PARCEL 14 - 5 Over Jordan Road

The land in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a stone bound in the westerly sideline of a private way at the easterly corner of land of Ralph W. and Virginia B. Huxtable; thence running

Northeasterly, 177.00 feet more or less by said private way to a stake; thence

Northwesterly, 145.80 feet in a straight line to a stake; thence

Northerly, 170.00 feet in a straight line to a stake; thence

North 64° 15' 00" East 39.95 feet to a bound at the southwesterly corner of

land of Dermody; thence
Northerly, 50 feet more or less in a straight line by
land of Dermody; thence
Northerly, 50 feet in a straight line by land of
Dermody to a bound at land of Murray;
thence
South 45° 15' 00" West 70 feet by land of Murray to a bound; thence
North 32° 14' 30" West 173.00 feet by land of Murray to a bound; thence
North 36° 08' 25" East 122.00 feet by land of Murray to a stone bound at the
southerly corner of land of Ruth S. Bullock; thence
North 18° 30' 30" West 61.21 feet by said Bullock land to a cement bound; thence
North 41° 53' 30" East 94.20 feet by said Bullock land to a cement bound; thence
Northerly, 73.00 feet more or less by said private way
to land of Volpe; thence
South 71° 49' 50" West 293.00 feet more or less by said land of Volpe
to a bound at the southwesterly corner
thereof; thence
North 18° 10' 10" West 421.57 feet by said land of Volpe and by
land of Lottie B. Hewitt to a stone bound in
the southerly sideline of a private way
called Over Jordan Road; thence
South 54° 34' 00" West 299.95 feet by said Road to a bound; thence
South 50° 54' 30" West 607.98 feet by said Road to a bound, thence
South 45° 09' 30" East 460.76 feet by remaining land of Ethel H.
Burgess to a bound; thence
South 61° 51' 40" East 81.57 feet by remaining land of Ethel H. Burgess to a
bound; thence
South 77° 45' 30" East 376.95 feet by remaining land of Ethel H. Burgess to a
bound; thence
South 70° 03' 50" East 127.02 feet by remaining land of Ethel H. Burgess to a
bound at said land of Huxtable; thence
North 31° 46' 00" East 33.15 feet by said land of Huxtable to a
stone bound; and thence
South 56° 36' 55" East 359.10 feet by said land of Huxtable to the point of beginning.

Containing 16.61 acres more or less.

All of said boundaries, courses and distances are as shown on "Plan of Land to be Conveyed by Ethel H. Burgess to Sabestino & Ethel E. Volpe on Great Neck, Wareham, August 1, 1955, Newell B. Snow, Eng'r," [not found of record].

Meaning and intending to describe and convey that parcel conveyed to Sabestino Volpe and Ethel E. Volpe by deed dated August 3, 1955 and recorded in the Plymouth County Registry of Deeds at Book 2438 page 29.

EXCEPTING THEREFROM that certain parcel of land conveyed by Paul

Volpe, sole beneficiary under the will of Ethel E. Volpe, to Frank and Margaret Demody, dated December 10, 1992, recorded in Book 11541, Page 174, and shown as "Parcel 'A'" containing 4,735 square feet of lands, more or less, as shown on a plan entitled, "Approval Not Required Plan, Drawn for Frank M. & Margaret A. Dermody Wareham, Mass. Scale: 1"-20' July 11, 1992 Prepared by Overlook Development Co. Land Surveying Services 750 Boston Neck Road Narragansett, R.I. 02882," recorded as Plan #732 of 1992, in Plan Book 35, Page 673, and bounded and described as follows:

The land situated in Wareham, Plymouth County, Massachusetts, described as follows:

Beginning at a concrete bound/drill hole on the northwesterly corner of the premises herein conveyed, and thence running

N 45° 15' 00" E by the land of Charles F. & Winifred G. Murray as shown on said plan for 70.00 feet to a concrete bound/drill hole, thence turning and running

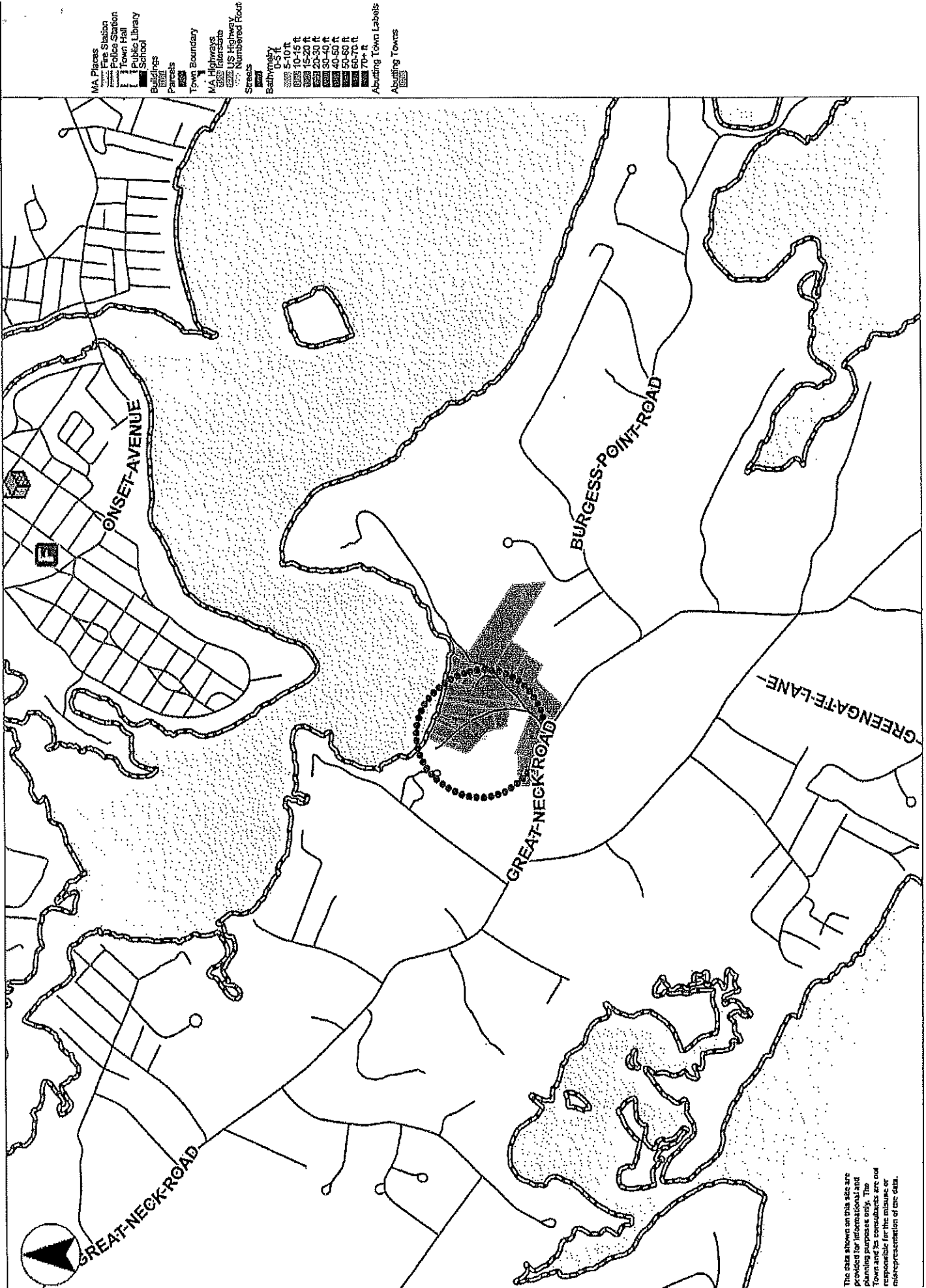
S 18° 46' 00" E by the land of Frank H. & Margaret A. Dermody as shown on said plan for 50.00 feet to a point thence continuing S 10 24' 50" E a distance of 50.60 feet by the same to a concrete bound/drill hole, thence turning and running

S 63° 56' 08" W by the land of Sabestino Volpe as shown on said plan a distance of 39.95 feet, thence turning and running

N 30° 53' 16" W by the land of Sabestino Volpe as shown on said plan a distance of 76.16 feet to the point of beginning.

MASSACHUSETTS
DEED RECORDS
PLUMPTRE & COMPANY
100 STATE STREET
BOSTON, MASSACHUSETTS 02109

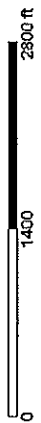
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 20 LOT 1035/C						
OWNER TJP REALTY LLC						
20-B4	REED CAROL L + VOLPE PAUL	C/O ROBERT G PETIX JR ESQ	100 WESTMINSTER ST STE 100	PROVIDENCE	RI	02903
20-1052	MORGAN MARJORIE A		182 GREAT NECK RD	WAREHAM	MA	02571
20-1053	BARRIS RICHARD J	BARRIS COURTNEY A	186 GREAT NECK RD	WAREHAM	MA	02571
20/G	WOLETSKAS DENNIS C	MONAGHAN EMILY M	190 GREAT NECK RD	WAREHAM	MA	02571
20-1038	COILE CHRISTOPHER C	COILE SUSAN S	12 SHELL LN	WAREHAM	MA	02571
20-1043	PEABODY MARY		194 GREAT NECK RD	WAREHAM	MA	02571
20-1035/A	DERMODY ROBERT J	DERMODY MARY F TRUSTEES	162 FAIR OAKS PARK	NEEDHAM	MA	02492
CERTIFIED ABUTTERS AS						
THEY APPEAR ON OUR TAX ROLLS						
AS OF 06/31/2020						
	<i>G. Reed</i>					
ASSESSORS OFFICE						
REQUESTED BY						
GABRIELE M BRUCE						
LEGAL ASSISTANT						
508 540-6555						
GBRUC@AMENTKLAUER.COM						



- MA Places
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Prisons
- Parcels
- Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Road
- 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



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



Printed on 07/20/2020 at 09:41 AM



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David E Morris
Director of Inspectional Services

Mark Bogosian
866 Main St.
Osterville, MA 02655

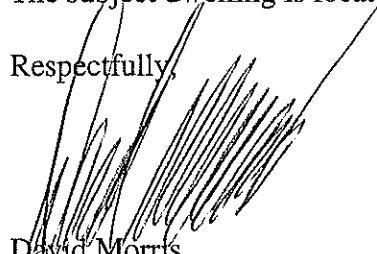
July 23, 2020

RE: Proposed dwelling at 13 Over Jordan Rd.

Based on the information provided, I must deny your application at this time. Your proposed dwelling will not conform to the required height restrictions. According to Table 621 Residential Districts of the Town of Wareham Zoning By-Laws, the maximum height of a dwelling is 35'. Article 16 defines height as the distance from the average ground elevation as defined in 780 CMR to the highest structural member of the building. The proposal is located within a VE-17 flood zone and as indicated the bottom of the lowest portion of horizontal structural members supporting the lowest floor is elevated to 19'. It appears from the site plan that the average ground elevation is somewhere between 8' and 10'. With the dwelling being proposed to be over 30' in height combined with the design flood elevation, it will exceed the allowable 35' height requirement. The proposed structure will require a Variance from the Wareham Zoning Board of Appeals.

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

Respectfully,


David Morris
Director of Inspectional Services
Zoning Enforcement Officer

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.