



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

266 MAIN ST.
WAREHAM, MA 02571

TEL 508.295.6600
FAX 508.295.6634

November 2, 2021

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

Re: **Variance Request**
108 High Street Realty Trust
7A & 7B Church Avenue
Map 47, Lots 1023.B & 1023.C
G.A.F. Job No. 21-9684

Dear Members of the Zoning Board of Appeals,

G.A.F. Engineering, Inc. respectfully submits on behalf of the applicant, 108 High Street Realty Trust, the following application for a Variance. There are currently two (2) single family dwellings under construction at this location. The Assessors Office field card identifies this property as 7 Church Avenue, Map 47, Lot 1023.B. Assessors Map 47 shows that Lot 1023.B is actually comprised of 2 lots, 1023.B and 1023.C. These two (2) lots have been "joined" in order to conform to the minimum lot area requirement of 15,000s.f. for lots located within the Wareham Village 2 district. Section 351 of the Wareham Zoning By-Laws states:

"Except in the R-130, more than one principal use may be established on a lot, pursuant to a Special Permit issued by the Board of Appeals. More than one principal use and/or structure may be established in nonresidential districts." (Emphasis added)

Two dwellings are currently under construction on Lot 1023.B. The applicant is requesting to divide Lot 1023.B so each dwelling will be located on a separate lot and not two dwellings on one lot.

Attached herewith you will find one (1) original and eight (8) copies of the following:

- Application for special permit/variance
- Applicant/Contractor/Representative Information Sheet
- Deed of the subject property Book 55264, Pages 1-6
- Plan entitled "As-Built Foundation Plan, 7A & 7B Church Avenue, Wareham, MA, Prepared for 108 High Street Realty Trust, P.O. Box 882, W. Wareham, MA", prepared by G.A.F. Engineering, Inc. and dated September 27, 2021.
- Certified abutters list
- Check for the Town of Wareham for \$300.00 (filing fee)
- Check for Wareham Week for \$100.00 (legal ad)
- Check for certified mailings for \$167.70.

This property is located within the Wareham Village 2 (WV2) Zoning District. The following Dimensional Requirements apply within this district:

	<u>1 or 2-Family</u>	<u>Provided</u>
Minimum Lot Area:	15,000 SF	9,596 SF/Lot
Minimum Frontage	75 Feet	79.27 Feet
Front Setback	* Feet	43.9 Feet
Side Setback	10 Feet	10.1 Feet
Rear Setback	10 Feet	42 Feet
Max. Building Coverage	20%	17.2%
Max. Impervious Surface	50%	28.7%

*Average of the setbacks of five (5) residential structures on either side of subject property.

We trust the foregoing is sufficient for your immediate needs. Please feel free to contact me with any questions, comments or should you require any additional information.

Very Truly Yours,
G.A.F. Engineering, Inc.



Brian R. Grady
brian@gafenginc.com
brg

Cc: Jerry Smith, 108 High Street Realty Trust

TOWN OF WAREHAM
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o Submit completed form, packets, and appropriate fees** to the Zoning Board of Appeals secretary.

**Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

**A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$100.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

1023.B
STREET & NUMBER: 7A & 7B Church Avenue LOT: 1023.C MAP: 47
ZONING DISTRICT: Wareham Village 2-WV2
USE REQUESTED: 2 Single Family Dwellings
OWNER OF LAND & BUILDING: 108 High Street Realty Trust TEL.# _____
ADDRESS OF OWNER: P.O Box 882, W. Wareham, MA 02576
PERSON(S) WHO WILL UTILIZE PERMIT: 108 High Street Realty Trust
ADDRESS: _____
DATE: 10/28/21 SIGNATURE: _____
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: Bugette Benoit Date: 10/18/2021
Planning/Zoning Dept.: _____ Date: _____
Application fee paid: _____ Check #: _____ Receipt: _____
Advertising fee paid: _____ Check #: _____ Receipt: _____
Abutters fee paid: _____ Check #: _____ Receipt: _____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: 108 High Street Realty Trust

Applicant's Address: P.O. Box 882, W. Wareham, MA 02576

Telephone Number: _____

Cell Phone Number: _____

Email Address: _____

Address of Property/Project: 7A & 7B Church Avenue

Landowner's Name: 108 High Street Realty Trust

Owner's Address: P.O. Box 882, W. Wareham, MA 02576

Telephone Number: _____

Contact Person: Brian Grady-G.A.F. Engineering Telephone Number: 508-295-6600

Map 47 Lot 1023.B, 1023.C Zone Wareham Village 2

Date Approved _____ Date Denied _____

Comments: _____

*** Electronic Recording ***
Doc#: 00076764
Bk: 55264 Pg: 272 Page: 1 of 6
Recorded: 07/06/2021 09:59 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 07/06/2021 09:59 AM
Ctrl# 147680 08251
Fee: \$1,869.60 Cons: \$410,000.00

FORECLOSURE DEED
UNDER POWER OF SALE IN MORTGAGE

Property Address: 108 High Street, Wareham, MA 02571

KNOW ALL MEN BY THESE PRESENTS, U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT (the "Bank"), having a usual place of business at c/o Rushmore Loan Management Services LLC, 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618, holder of that mortgage from Steven S. Miller dated 10/25/2006 and recorded in the Plymouth County Registry of Deeds in Book 33594 at Page 3 et seq., by the power conferred by said Mortgage and by every other power it thereunto enabling, for consideration paid in the amount of Four Hundred Ten Thousand and 00/100 Dollars (\$410,000.00) grants to Christopher Olson, Trustee 108 High Street Realty Trust u/d/t dated March 5, 2021, whose mailing address is P.O. Box O, Norton, MA 02766, the following described property, which has an address of 108 High Street, Wareham, Massachusetts 02571.

SEE EXHIBIT "A" ATTACHED HERETO

This document is signed according to the rights and powers designated under the Power of Attorney recorded October 18, 2018 in Book 50415 at Page 70 of the Plymouth County Registry of Deeds.

IN WITNESS WHEREOF, U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT, has caused these presents to be executed by its duly authorized officer, who hereunto set his/her hand as such officer and affix its corporate seal this 7th day of April, 2021.

U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT
By: Rushmore Loan Management Services LLC, its Appointed Attorney in Fact

By: Diana Shaner
Name: Diana L. Shaner
Its: Assistant Vice President

STATE OF TEXAS
COUNTY OF DALLAS

In DALLAS, TEXAS on the 7th day of April, 2021, before me personally appeared Diana L. Shaner, to me known and known by me to be the party executing the foregoing instrument who executed the foregoing instrument as the Assistant Vice President (title), of the entity that executed the foregoing instrument, and acknowledged the same to be the free act and deed of said entity, before me.



Arthur R. Finley III
Notary Public Arthur R. Finley III
Printed Name: _____
My Commission Expires: 03-01-2022

Exhibit A

Parcel One:

The land with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts, being shown as Lot 1023A, on a plan entitled "Plan of Land Surveyed for W. Enos Phillips, High Street, Wareham, Mass.," dated May 24, 1962, by Walter E. Rowley and Associates, filed in the Plymouth County Registry of Deeds as Plan No. 402 of 1962, bounded and described as follows:

NORTHEASTERLY	on High Street, one hundred sixty-eight (168) feet;
NORTHWESTERLY	by land now or formerly of Ethel M. Greer, according to said plan, one hundred twenty-nine and 83/100 (129.83) feet;
SOUTHWESTERLY	by Lots 1023B and 1023C, on said plan, one hundred sixty-three and 28/100 (163.28) feet; and
SOUTHEASTERLY	by land now or formerly of Myrtle G. O'Brien, according to said plan, one hundred twenty-nine and 30/100 (129.30) feet.

Parcel Two:

The land with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts, being shown as Lots 1023B and 1023C on a plan entitled "Plan of Land Surveyed for W. Enos Phillips, High Street, Wareham, Mass.," dated May 24, 1962 by Walter E. Rowley and Associates, filed in the Plymouth County Registry of Deeds as Plan No. 402 of 1962, bounded and described as follows:

SOUTHWESTERLY	by Church Avenue, one hundred fifty-eight and 55/100 (158.55) feet;
SOUTHEASTERLY	by land now or formerly of Abbie E. Crocker, et al, and in part by land now or formerly of Myrtle G. O'Brien, according to said plan, one hundred twenty-nine and 31/100 (129.31) feet;
NORTHEASTERLY	by Lot 1023A, as shown on said plan, one hundred sixty-three and 28/100 (163.28) feet; and
NORTHWESTERLY	in part by land now or formerly of George F. Wilson, et ux, according to said plan, one hundred twenty-nine and 84/100 (129.84).

For Grantor's title reference, see deed recorded in the Plymouth County Registry of Deeds in Book 33594, Page 1.

This document is signed according to the rights and powers designated under the Power of Attorney recorded October 18, 2018 in Book 50415 at Page 70 of the Plymouth County Registry of Deeds.

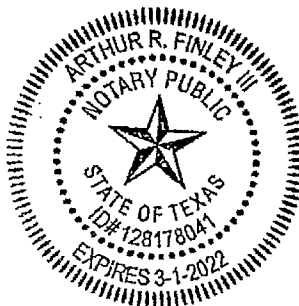
U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT
By: Rushmore Loan Management Services LLC, its Appointed Attorney in Fact

By: *Diana L. Shaner*
Name: Diana L. Shaner
Its: Assistant Vice President

STATE OF TEXAS
COUNTY OF DALLAS

On this 7th day of April, 2021, before me, the undersigned Notary Public, personally appeared Diana L. Shaner, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his(her) knowledge and belief.

Arthur R. Finley III
Notary Public Arthur R. Finley III
Printed Name: _____
My Commission Expires: 03-01-2022



RE: Steven S. Miller

ment recorded on June 26, 2012 in the Plymouth County Registry of Deeds as Instrument No. 2012 00058264, Book 41563, Page 49, wherein, by error or mistake, the Assignor was cited in error, said corrective assignment is dated April 30, 2019 and recorded in the Plymouth County Registry of Deeds in Book 51076, Page 138, previously assigned by Chase Bank USA, N.A., to JPMorgan Chase Bank, National Association, by virtue of an assignment dated June 15, 2012 and recorded in the Plymouth County Registry of Deeds in Book 41563, Page 49, previously assigned by Chase Bank USA, N.A., to JPMorgan Chase Bank, National Association, by virtue of an assignment dated June 5, 2012 and recorded in the Plymouth County Registry of Deeds in Book 41560, Page 23, for breach of the conditions in said mortgage and for the purpose of foreclosing the same, will be sold at Public Auction on March 5, 2021 at 1:00 PM Local Time upon the premises, all and singular the premises described in said mortgage, to wit:

PARCEL ONE

THE LAND WITH THE BUILDINGS THEREON, SITUATED IN WAREHAM, PLYMOUTH COUNTY, MASSACHUSETTS, BEING SHOWN AS LOT 1023A, ON PLAN ENTITLED "PLAN OF LAND SURVEYED FOR W. ENOS PHILLIPS, HIGH STREET, WAREHAM, MASS.," DATED MAY 24, 1962, BY WALTER E. ROWLEY

AND ASSOCIATES, FILED PLAN NO. 402 OF 1962, IN THE PLYMOUTH COUNTY REGISTRY OF DEEDS AS PLAN NO. 402 OF 1962, BOUNDED AND DESCRIBED AS FOLLOWS:

NORTHEASTERLY ON HIGH STREET, ONE HUNDRED SIXTY-EIGHT (168) FEET;

NORTHWESTERLY BY LAND NOW OR FORMERLY OF ETHEL M. GREER, ACCORDING TO SAID PLAN, ONE HUNDRED TWENTY-NINE AND 83/100 (129.83) FEET;

SOUTHWESTERLY BY LOTS 1023B AND 1023C, ON SAID PLAN, ONE HUNDRED SIXTY-THREE AND 28/100 (163.28) FEET; AND

SOUTHEASTERLY BY LAND NOW OR FORMERLY OF MYRTLE G. O'BRIEN, ACCORDING TO SAID PLAN, ONE HUNDRED TWENTY-NINE AND 30/100 (129.30) FEET.

PARCEL TWO

THE LAND WITH THE BUILDINGS THEREON, SITUATED IN WAREHAM, PLYMOUTH COUNTY, MASSACHUSETTS, BEING SHOWN AS LOTS 1023B AND 1023C ON A PLAN ENTITLED "PLAN OF LAND SURVEYED FOR W. ENOS PHILLIPS, HIGH STREET, WAREHAM, MASS.," DATED MAY 24, 1962 BY WALTER E. ROWLEY AND ASSOCIATES, FILED IN THE PLYMOUTH COUNTY REGISTRY OF DEEDS AS

SOUTHWESTERLY BY CHURCH AVENUE, ONE HUNDRED FIFTY-EIGHT AND 55/100 (158.55) FEET;

SOUTHEASTERLY BY LAND NOW OR FORMERLY OF ABBIE E. CROCKER, ET AL, AND IN PART BY LAND NOW OR FORMERLY OF MYRTLE G. O'BRIEN, ACCORDING TO SAID PLAN, ONE HUNDRED TWENTY-NINE AND 31/100 (129.31) FEET;

NORTHEASTERLY BY LOT 1023A, AS SHOWN ON SAID PLAN, ONE HUNDRED SIXTY-THREE AND 28/100 (163.28) FEET; AND

NORTHWESTERLY IN PART BY LAND NOW OR FORMERLY OF GEORGE F. WILSON, ET UX, ACCORDING TO SAID PLAN, ONE HUNDRED TWENTY NINE AND 84/100 (129.84) FEET.

Commonly Known As:

108 High Street, Wareham, MA 02571

The description of the property that appears in the mortgage to be foreclosed shall control in the event of a typographical error in this publication.

For Mortgagor's Title, see deed dated October 11, 2006, and recorded in Book 33594 at Page 1 with the

Plymouth County Registry of Deeds.

TERMS OF SALE: Said premises will be sold and conveyed subject to all liens, encumbrances, unpaid taxes, tax titles, municipal liens and assessments, if any, which take precedence over the said mortgage above described.

FIVE THOUSAND (\$5,000.00) Dollars of the purchase price must be paid by a certified check, bank treasurer's or cashier's check at the time and place of the sale by the purchaser. The balance of the purchase price shall be paid in cash, certified check, bank treasurer's or cashier's check within sixty (60) days after the date of sale.

Other terms to be announced at the sale.

BENDETT & MCHUGH, PC
 270 Farmington Avenue
 Farmington, CT 06032
 Attorney for U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT
 Present Holder of the Mortgage
 (860) 677-2868

AD#13938733
 Courier & Sentinel 2/11, 2/18, 2/25/21

TOWN OF WAREHAM ABUTTERS LIST - 300'

OWNER: OLSON CHRISTOPHER TRUSTEE

PO BOX O, NORTON, MA 02766

LOCUS: MAP 47, LOT 1023B - 7 CHURCH AVE.

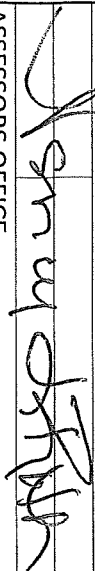
REQUESTED BY: BRIAN GRADY

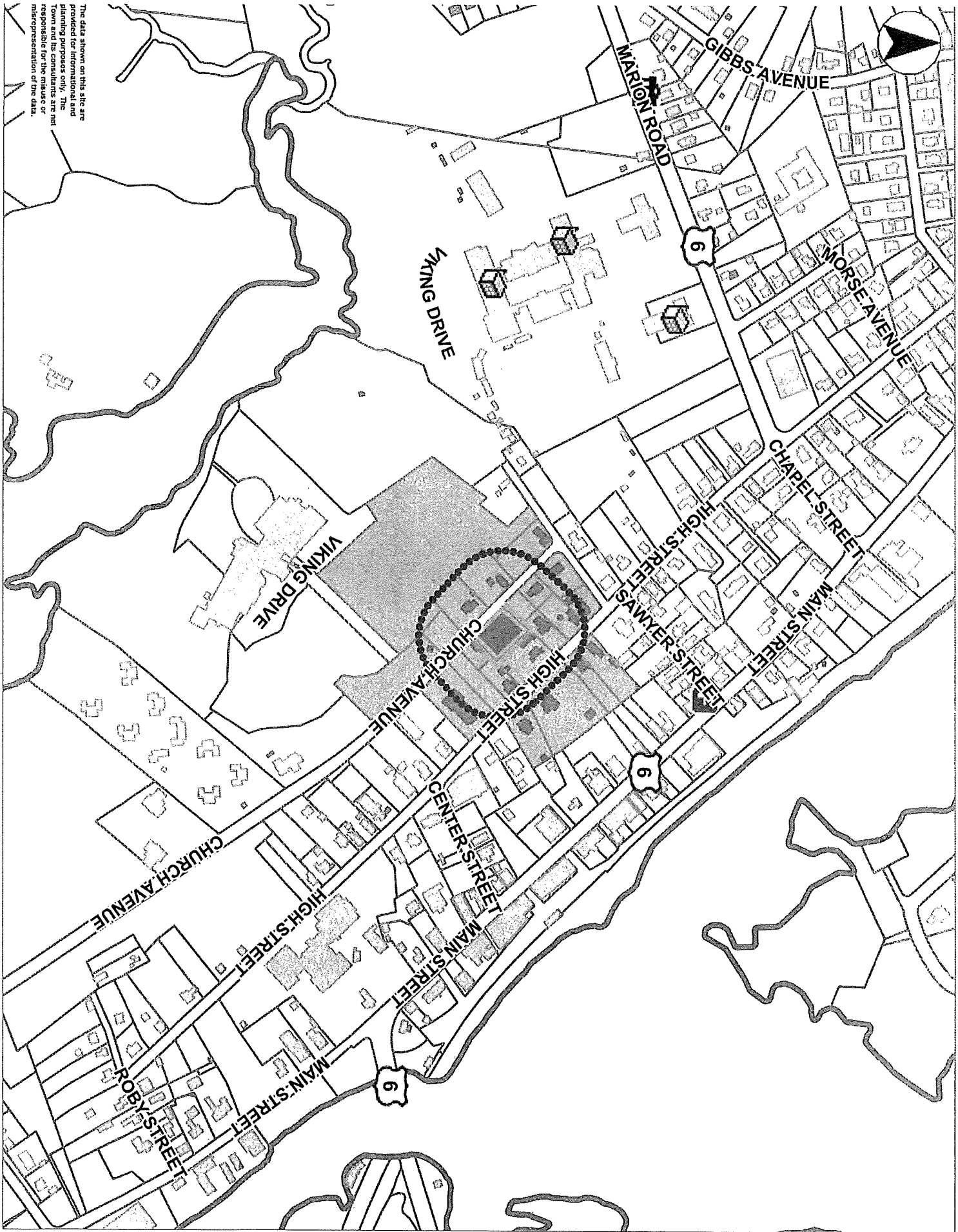
Brian@gafenginc.com

508-295-6600

MAP/LOT	OWNER	CO-OWNER	MAILING ADD	TOWN	ST	ZIP
47-1004	PEOPLES PAUL W	PEOPLES FLORENCE A	2 CHURCH AVE	WAREHAM	MA	02571
47-F5	TOWN OF WAREHAM		54 MARION RD	WAREHAM	MA	02571
47-1021/D	MARTIN PAUL M	MARTIN JANICE M	1 CHURCH AVE	WAREHAM	MA	02571
47-1003	SEMPLE VERNA M		PO BOX 3322	WAREHAM	MA	02571
47-1022/B	STEC NANCY J		3 CHURCH AVE	WAREHAM	MA	02571
47-1021/A	ROBINSON JOSEPH O		120 HIGH ST	WAREHAM	MA	02571
47-1002	BROOKS LAURA A	VEUGAN ZACHARY	10 CHURCH AVE	WAREHAM	MA	02571
47-1022/C	STEC NANCY J		3 CHURCH AVE	WAREHAM	MA	02571
47-1022/A	NEW ENGLAND CTR. FOR PSYCHIATRIC	+ ADDICTION DISORDERS	24 PARK ST	ATTLEBORO	MA	02703
47-1022/D	PABOG LLC	C/O KELLEY O'NEEL	323 COURT ST	PLYMOUTH	MA	02360
47-F1	TOWN OF WAREHAM		54 MARION RD	WAREHAM	MA	02571
47-1025	DEFILIPPO TERESA	WATKINS, KEVIN W	11 CHURCH AVE	WAREHAM	MA	02571
47-1023/A	OLSON CHRISTOPHER TRUSTEE		PO BOX O	NORTON	MA	02766
47-1068	ABBOTT DARREN S		115 HIGH ST	WAREHAM	MA	02571
47-1024	LADD LOIS E TRUSTEE OF LADD	REALTY TRUST	100 HIGH ST	WAREHAM	MA	02571
47-1067	BURKE STACEY M	GROEZINGER ERIK R	113 HIGH ST	WAREHAM	MA	02571
47/C	COMMONWEALTH OF MA-DEPT OF	MENTAL HEALTH	%DIV CAPITAL P&O	BOSTON	MA	02108
			1 ASHBURTON PLACE			
47-1026	ROMAN CATHOLIC BISHOP	OF FALL RIVER	82 HIGH ST	WAREHAM	MA	02571
47-1027	ROMAN CATHOLIC BISHOP	OF FALL RIVER	82 HIGH ST	WAREHAM	MA	02571
47-1066/A	ALBERT DAVID M	ALBERT MARGARET A	105 HIGH ST	WAREHAM	MA	02571
47-1065	BYRON CHARLES TRUSTEE		99 HIGH ST	WAREHAM	MA	02571

CERTIFIED ABUTTERS AS THEY APPEAR ON OUR TAX ROLLS AS OF 10/6/2021

Assessors Office




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.

640

1280 ft

Printed on 10/07/2021 at 09:45 AM

MapsOnline by PeopleGIS

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

