



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

266 MAIN ST.
WAREHAM, MA 02571

TEL 508.295.6600
FAX 508.295.6634

December 16, 2020

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

Re: Variance Request
17 Evergreen Street
Map 2, Lot M272
G.A.F. Job No. 20-9607

Dear Members of the Zoning Board of Appeals,

G.A.F. Engineering, Inc. respectfully submits on behalf of the applicant, Noreen Murray, the following application for a variance. This application is being filed in response to a Notice of Violation letter (see attached) issued by David Riquinha, Building Commissioner, to permit a rear wood deck, Per the attached letter and will require a Variance from the Board of Appeals under Article 6, Table 622 of the Town of Wareham Zoning By-Law.

Attached herewith you will find one (1) original and one (7) copies of the following:

- Application for Variance
- Letter from David Riquinha, Building Commissioner, dated November 4, 2020.
- Deed of the subject property Book 47202, Pages 74-75
- Certified abutters list
- Tax Verification Form
- Site Photographs
- Plan entitled "Plan to Accompany Variance Application" Dated December 16, 2020.
- Check for the Town of Wareham for \$300.00 (filing fee)
- Check for Wareham Week for \$80.00 (legal ad)
- Check for Abutter Notification Fee for \$421.00.

The property is located within the Onset Village Residential District (OV2) and is a pre-existing non-conforming lot with a single-family dwelling, wood deck and shed. We are requesting the board grant relief for the Building Coverage maximum of 20% (Article 6, Table 622). The existing structure, deck and shed currently accounts for a building coverage of 20.3%. Adding the newly constructed rear deck raises the building coverage to 32.5%, an increase of 12.2%. The lot coverage shown is consistent with many residences in the neighborhood.

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.

A handwritten signature in blue ink, appearing to read "William F. Madden".

William F. Madden, P.E.
bill@gafenginc.com
WFM/kcl

Cc: Noreen Murray

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: 17 EVERGREEN STREET **MAP:** 2 **LOT:** M272

ZONING DISTRICT: OV 2

USE REQUESTED: Residential

OWNER OF LAND & BUILDING: NOREEN MURRAY **TEL.#** 310-699-3348

ADDRESS OF OWNER: P O BOX 453, ONSET, MA 02558

PERSON(S) WHO WILL UTILIZE PERMIT: NOREEN MURRAY

ADDRESS: 17 EVERGREEN STREET, ONSET, MA

DATE: 12-15-20 **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: NOREEN MURRAY

Applicant's Address: P O BOX 453, ONSET, MA 02558

Telephone Number: 310-699-3348

Cell Phone Number: _____

Email Address: NOREEN_NYC@YAHOO.COM

Address of Property/Project: 17 EVERGREEN STREET, ONSET, MA

Landowner's Name: NOREEN MURRAY

Owner's Address: P O BOX 453, ONSET, MA 02558

Telephone Number: _____

Contact Person: G.A.F. ENGINEERING, INC. Telephone Number: 508-295-6600

Map 2 Lot M272 Zone O V 2

Date Approved _____ Date Denied _____

Comments: _____



TOWN of WAREHAM

Massachusetts

FILE COPY

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

Noreen Murray
17 Evergreen Street
P.O Box 453
Onset, MA 02558

November 4, 2020

RE: 17 Evergreen Street, Unpermitted deck

Notice of Violation

Dear Ms. Murray,

On October 8, 2020 I met you in my office to discuss a Building Code violation as well as a Zoning violation at 17 Evergreen Street in Onset, MA, a building which you own and or are in control of. During our meeting we discussed, and you acknowledged, a 20' x 20' rear deck that you constructed without the benefit of a building permit, and which has subsequently caused a new lot coverage violation on your property. The property is in violation of the Wareham Zoning By-law and 780 CMR Massachusetts State Building Code. 9th Edition.

780 CMR, Massachusetts Building Code Violations:

780 CMR § R-105.1. Required: "It shall be unlawful to construct, reconstruct, alter, repair, remove, or demolish a building or structure; or to change the Use or occupancy of a building or structure; or to install, or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing an application with the Building Official and obtaining the required permit."

Wareham Zoning By-law Violations:

ZBL § 622, Village Districts: The newly constructed 20' x 20' rear deck has been constructed without the proper approvals and has taken the property from approximately 18.29% to 28.62%, where 20% is permitted.

Remedy: You must either remove the unpermitted structure or make application to the Zoning Board of Appeals for a Variance to allow the new zoning infraction. If you are successful at the Zoning Board, you will need to provide the Building Department with a recorded Zoning Board decision in order to seek retroactive approval and inspections of the new structure. If you are unsuccessful in gaining zoning approval, the structure will have to be removed or reconstructed to a conforming footprint after securing the necessary building permits and paying the required fees to do so.

780 CMR: Failure to comply with this notice may result in fines of not more than \$1000.00 or by imprisonment for not more than one year, or both, for each such violation. Each day during which a violation exists shall constitute a separate offense. (MGL 143 §§ 94)

54 Marion Road, Wareham, MA 02571
Tel: (508) 291-3100 ext. 3190 Fax: (508) 291-3116



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

Zoning By-Law: Any person, firm or corporation violating any of the provisions of the By-Law shall be liable for a fine of not more than three hundred dollars (\$300.00) for each violation. Each day that a violation continues shall constitute a separate offense. (*Zbl § 1442.2*)

Your immediate attention to this matter is required

Respectfully,

David Riquinha
Building Commissioner
Zoning Enforcement Officer

00061130

BOOK 47202 PAGE 74

Recorded On:

Jul 19, 2016 at 03:18P

PLYMOUTH COUNTY REGISTRY OF DEEDS

John R. Buckley Jr. Register

MASSACHUSETTS (warranties)

revised 01/02/92
REO # P150JDV

FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation organized under an Act of Congress and existing pursuant to the Federal National Mortgage Association Charter Act, having its principal office in the City of Washington, District of Columbia, and an office for the conduct of business of P.O. Box 650043, Dallas, TX 75265-0043, (hereinafter called the Grantor) for consideration of **NINETY-TWO THOUSAND FIVE HUNDRED AND 00/100 (\$92,500.00) DOLLARS PAID**, grants to Noreen Murray of 1366 Rose Avenue, Venice, CA 90291, with quitclaim covenants,

The land together with the buildings thereon located in that part of the Town of Wareham known as Onset, Plymouth County, Massachusetts and shown as Lot M-272 on "Plan of Land prepared for Bruce A. Haverberg, Trustee of Evergreen Realty Trust, Evergreen Street, Wareham, MA dated March 20, 1997, Scale 1"=20', Chares L. Rowley and Associates Civil Engineers and Surveyors, West Wareham, Ma", however same may actually be bounded and described, which plan is recorded with the Plymouth County Registry of Deeds as Plan #361 of 1997, Book of Plans 40, Plan 10, Lot M-272.

Being the same premises conveyed by Foreclosure Deed recorded with the Plymouth County Registry of Deeds in Book 46504, Page 216.

UNDER AND SUBJECT to any existing covenants, easements, encroachments, conditions, restrictions, and agreements affecting this property.

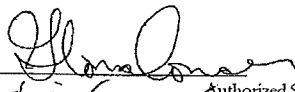
THIS DEED is given in the usual course of the Grantor's business and is not a conveyance of all or substantially all of the Grantor's assets in Massachusetts.

THE GRANTOR is exempt from paying the Massachusetts state excise stamp tax by virtue of 12 United States Code §1452, §1723a, or §1825.

TOGETHER WITH all and singular the improvements, ways, streets, alleys, passages, water, watercourses, right, liberties, privileges, hereditaments, and appurtenances whatsoever hereto belonging or in anywise appertaining and the reversions and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, claim and demand whatsoever of the said Grantor in law, equity, or otherwise howsoever, of and to the same and every part thereof.

WITNESS the execution and the corporate seal of said corporation this 18 day of July, 2016.

FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION
By: Hatmon Law Offices, PC, its attorney in fact

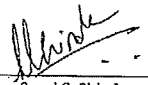

By: Gloria Conviser Authorized Signer

FOR SIGNATORY AUTHORITY, SEE LIMITED POWER OF ATTORNEY RECORDED AT THE PLYMOUTH COUNTY REGISTRY DISTRICT OF THE LAND COURT AS DOCUMENT NO. 716291.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 2016

On this 18 day of July, 2016, before me, the undersigned notary public, personally appeared Gloria Conviser, Esq., as Authorized Signer for Hatmon Law Offices, PC, as Attorney In Fact for Fannie Mae a/k/a Federal National Mortgage Association, proved to me through satisfactory evidence of identification, which was personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily as his/her free act and deed and the free act and deed of Fannie Mae a/k/a Federal National Mortgage Association, before me,


Notary Public: Swati S. Shinde
My Commission Expires: May 18, 2023



TOWN OF WAREHAM ABUTTERS							
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE	
MAP 2 LOT M292							
OWNER NOREEN MURRAY							
2-150/A	COLLINS PATRICK A	COLLINS ARTHUR W JR	PO BOX 337	ONSET	MA	02558	
2-147	FARLIN MARY P TRUSTEE	MARY P FARLIN LIVING TRUST	PO BOX 897	ONSET	MA	02558	
2-190	ROBERTS JACALYN M	ROBERTS PHILIP O	1100 PULASKI BLVD	BELTINGHAM	MA	02019	
2-148/A	CUNHA STEVEN A TRUSTEE	STEVEN A CUNHA REV TRUST	63 FRANCIS WYMAN RD	BURLINGTON	MA	01803	
2-189/B	MAHER VINCENT F	MAHER ELISABETH J	50 WHITE OAK ST APT 1A	NEW ROCHELLE	NY	10801	
2-148/B	KAVANAUGH PETER E		9 MAPLE RD	MIDDLEBORO	MA	02346	
2-139/A	WILLIS MARY C LIFE ESTATE		164 PLACE LN	WOBBURN	MA	01801	
2-247	VASQUEZ KATHLEEN MARY DUFFY	VELOTIS JEAN MARIE ET ALS	PO BOX 556	ONSET	MA	02558	
2-248	CHESELEY ROSAMOND C LIFE ESTATE	C/O JOSEPH E. GOMES	24 SHANGRI-LA BLVD	E WAREHAM	MA	02538	
2-245	GALLERANI DONALD L SR	GALLERANI VIVIER L LIFE ESTATE	2325 CANNALBLUFF PL VILLA 297	SARASOTA	FL	34231	
2-249	COLLINS PATRICK A	COLLINS RONNA L CO-TRUSTEES	PO BOX 337	ONSET	MA	02558	
2-M270	DUCASSE NICOLE A		PO BOX 896	ONSET	MA	02558	
2-M269	MDAN LINDA R		PO BOX 859	ONSET	MA	02558	
2-M273	GROPMAN WILLIAM F	C/O JUDITH S GROPMAN PERS REP	PO BOX 1402	ONSET	MA	02558	
2-M271	PAULO JONI M		3023 MANNING ST	LOS ANGELES	CA	90064	
2-1025/B	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02751	
2-1026-31	ELLIS EUGENE R	ELLIS SANDRA L	PO BOX 923	E WAREHAM	MA	02538	
2-1026-27	ARESTA EILEEN T		PO BOX 1345	ONSET	MA	02558	
2-1026-21	MENARD PHILIP	MENARD LINDA A	PO BOX 1683	ONSET	MA	02558	
2-1026-35	CORMIER JEFFREY J	CORMIER DONNA L	835 ELKCAM CIR UNIT 204	MARCO ISLAND	FL	34145	
2-1026-20	BOUCHER RICHARD R	BOUCHER GAIL A	PO BOX 1105	ONSET	MA	02558	
2-1026-30	MCKENNA JAMES M	WILSON PATRICIA A	PO BOX 1355	ONSET	MA	02558	
2-1026-19	VIERA JOHN M TRUSTEE OF THE	JOHN M VIERA 2011 FAMILY TRUST	12 KIRSI CIRCLE	WESTFORD	MA	01886	
2-1026-16	DION MATTHEW C	DION MARINI T	PO BOX 711	ONSET	MA	02558	
2-1026-22	SKELLY JUSTIN T		PO BOX 312	ONSET	MA	02558	
2-1026-23	VOGEL ROBIN A TRUSTEE	ROBIN A VOGEL FAMILY TRUST	1 KONET RD	FOXBORO	MA	02035	
2-1026-39	BALA RAYMOND L		PO BOX 505	ONSET	MA	02558	
2-1026-29	CUTHBERTSON CAITLYN A		PO BOX 638	ONSET	MA	02558	
2-1026-18	PIMENTAL EDWARD J	DUFFY JANIS P	PO BOX 743	ONSET	MA	02558	
2-1026-6	PALANZI ALAN J	PALANZI ELENA	PO BOX 693	ONSET	MA	02558	
2-1026-8	FORD STEPHEN M	FORD ELIZABETH BLY TRUSTEES	PO BOX 1725	ONSET	MA	02532	
2-1026-36	CHANDLER BERNICE T		PO BOX 32	BUZZARDS BAY	MA	02538	
2-1026-37	BENJAMIN MONA A		PO BOX 783	E WAREHAM	MA	02538	
2-1026-5	FERRAGUTO JAMES P	FERRAGUTO CARLA A	PO BOX 1755	ONSET	MA	02558	
2-1026-26	DICKERSON KAREN L TRUSTEE	DICKERSON FAMILY TRUST	136 CYPRESS HOLLOW	BLUFTON	SC	29909	
2-1026-7	FANDEL PATRICK		11 CARLETON ST UNIT 7	ONSET	MA	02558	
2-1026-13	ROHR WILLIAM	ROHR PAMELA	17 CARLETON ST	ONSET	MA	02558	
2-1026-1	ROSENKRAUZ DEANNA E TRUSTEE	DEANNA E ROSENKRAUZ REV TR	22164 PRIMROSE WAY	BOCA RATON	FL	33433	
2-1026-11	HAYNES MAURA J		PO BOX 300	MONUMENT BCH	MA	02553	
2-1026-24	WEINER MICHAEL	WEINER DARLENE	30 CARLETON ST UNIT 24	ONSET	MA	02558	
2-1026-40	SHIPMAN MATTHEW M		PO BOX 1204	ONSET	MA	02558	
2-1026-9	CANAVAN DONA M TRUSTEE	PELLETIER FAM PROTECT TRUST	PO BOX 1593	ONSET	MA	02558	
2-1026-3	TOMKIEWICZ THOMAS J		30 MCCLELLAN RD	SUTTON	MA	01590	
2-1026-38	GRAY DANIEL W	GREEN SARAH E	PO BOX 394	ONSET	MA	02558	
2-1026-25	BOSS MAURICE H	PERSICILLO DIANE J	PO BOX 851	ONSET	MA	02558	

2-1026-15	MARTEL SUSAN D		PO BOX 678	ONSET	MA	02558
2-1026-14	COOKE JEFFREY		PO BOX 1473	ONSET	MA	02558
2-1026-33	MAGALETTA SAVINO	MAGALETTA DEBRA	PO BOX 1465	ONSET	MA	02558
2-1026-2	CANNON BARBARA A TRUSTEE	BARBARA A CANNON REV TRUST	PO BOX 751	ONSET	MA	02558
2-1026-10	FARLEY JOHN T	FARLEY DONNA G	PO BOX 1180	ONSET	MA	02558
2-1026-4	TOMKIEWICZ THOMAS J		30 MCCLELLAN RD	SUTTON	MA	01590
2-1026-12	CAMPBELL USA M		PO BOX 1665	ONSET	MA	02558
2-1026-28	CARDINAL JOHN P JR	CARDINAL BETHANY H	PO BOX 1305	ONSET	MA	02558
2-1026-32	DRURY JILL		PO BOX 733	ONSET	MA	02558
2-1026-34	MOSHER CHRISTINE A		40 CARLETON ST UNIT 34	ONSET	MA	02558
2-1026-17	COLEMAN EBONY N		7 APPLE ST	WAREHAM	MA	02571
2-1025/16	MANN SUSAN C TRUSTEE	SUSAN MANN REVOCABLE TRUST	P O BOX 41	ONSET	MA	02558
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 10/1/2020						
<i>W. Powell Weiss</i>						
ASSESSORS OFFICE						
REQUESTED BY						
NOREEN MURRAY						
310 699-3348						
NOREEN_NYC@YAHOO.COM						



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730

1480 ft

Printed on 11/05/2020 at 04:11 PM

MapOnline by PeopleGIS

- MA Places
 - Fire Station
 - Police Station
 - Town Hall
 - Radic Library
 - School
- Buildings
 - Parcels
- Town Boundary
- MA Highways
 - Interstate
 - US Highway
 - Numbered Route
- Streets
- Bathymetry
 - 0-5.0ft
 - 5.0-10.0ft
 - 10.0-15.0ft
 - 15.0-20.0ft
 - 20.0-30.0ft
 - 30.0-40.0ft
 - 40.0-50.0ft
 - 50.0-60.0ft
 - 60.0-70.0ft
 - 70+ ft
- Abutting Towns

PLANNING BOARD
TAX VERIFICATION FORM

This verifies that Noreen Murray (name of applicant) is up-to-date on the taxes for the property(ies) he/she owns in Wareham. If the applicant is not the current owner of the property that the application addresses, the current owner Noreen Murray (name of property owner) is up-to-date on taxes on all properties he/she owns in the Town of Wareham.

 17 Evergreen Street, Onset Map 2 / Lot M292

 Gathie King
John Foster, Tax Collector



SIDE VIEW OF EXISTING & NEWLY CONSTRUCTED WOOD DECK



REAR VIEW OF NEWLY CONSTRUCTED WOOD DECK

KENNETH W MURRAY 07-16
NOREEN MURRAY
17 EVERGREEN ST.
ONSET, MA 02558

53-179/113

124

DATE 12-15-20

PAY TO Town of Wareham \$ 300.00
THE ORDER OF Three hundred & no/100

DOLLARS Security Features Included. Details on Back.

Eastern Bank
Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO M272 Application

Noreen Murray MP

⑆011301798⑆ 0406436190⑆ 0124

SPECIALTY BLUE

KENNETH W MURRAY 07-16
NOREEN MURRAY
17 EVERGREEN ST.
ONSET, MA 02558

53-179/113

125

DATE 12-15-20

PAY TO Wareham Well \$ 80.00
THE ORDER OF Eighty & no/100

DOLLARS Security Features Included. Details on Back.

Eastern Bank
Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO

Noreen Murray MP

⑆011301798⑆ 0406436190⑆ 0125

SPECIALTY BLUE

KENNETH W MURRAY 07-16
NOREEN MURRAY
17 EVERGREEN ST.
ONSET, MA 02558

53-179/113

123

DATE 12-15-20

PAY TO Town of Wareham \$ 421.10
THE ORDER OF Four hundred twenty one & 10/100

DOLLARS Security Features Included. Details on Back.

Eastern Bank
Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO M272 Abatter Mailing

Noreen Murray MP

⑆011301798⑆ 0406436190⑆ 0123

SPECIALTY BLUE