



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

March 4, 2021

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

Re: Variance/Special Permit Application
Leo's Harbor Lights Realty Trust
Lenord G. Cubellis-Trustee
197 Onset Avenue
Map 1, Lot 1001
G.A.F. Job No. 16-8796

Dear Members of the Zoning Board of Appeals,

G.A.F. Engineering, Inc. respectfully submits on behalf of the applicant, Leo's Harbor Lights Realty Trust, Lenord G. Cubellis-Trustee, the following application for a Variance/Special Permit. This application is being filed in response to a Notice of Violation letter (see attached) issued by David Riquinha, Building Commissioner, to permit an existing rear egress deck. Per the attached letter the existing stairs and deck will require a Variance/Special Permit from the Board of Appeals under Article 6, Section 622 of the Town of Wareham Zoning By-Law as it relates to the side and rear setback, Building Coverage, and Impervious Surface.

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

- Application for Special Permit
- Applicant/Contractor/Representative Information Sheet
- Letter from David Riquinha, Building Commissioner, dated December 30, 2020
- Deed of the subject property
- Certified abutters list
- Tax Verification Form
- Site Photographs
- Plan entitled "Plan to Accompany Variance/Special Permit Application" dated February 26, 2021
- Check for the Town of Wareham for \$750.00 (filing fee)
- Check for Wareham Week for \$100.00 (legal ad)
- Check for Abutter Certified mail notices for \$148.05

The property is located within the Onset Village District (OV1). The building is a mixed use commercial restaurant. We are requesting the board grant relief to allow the wood deck for the upstairs egress to remain at the 5 foot setback to the rear property line.

266 MAIN ST.
WAREHAM, MA 02571

TEL 508.295.6600
FAX 508.295.6634

The new deck and stairs were constructed in order to eliminate the hazard to the electric meters due to the location of the prior stairs along the side of the building.


The requested 5 foot setback is only 2.9 feet closer to the property line than the existing deck. The abutter is the Town of Wareham. In our opinion this change is not substantially more detrimental to the neighborhood.

We also respectfully request that relief be granted for the increase in Building Coverage and Impervious Surface related to the construction of the deck and stairs. Building Coverage is increased from 74.8% to 76.3%. Impervious Surface increases from 81.2% to 81.9%. In our opinion these increases are not substantially more detrimental to the neighborhood.

The plan depicts a proposed 272 square foot building addition at the southwest corner of the existing building. This location is currently occupied by decks. The building addition does not increase either Building Coverage or Impervious Surface. It also does not increase the non-conformity which exists for the front yard setback. We therefore believe that approval by the Zoning Board of Appeals for the proposed building addition is not required.

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.



Robert J. Rogers
Project Manager

bob@gafenginc.com
RJR/rjr

Cc: Lenord G. Cubellis

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.
- 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 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 the Wareham Week in the amount of \$100.00.

**The applicant will also be responsible for the cost of sending out abutter notifications by Certified Mail. 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: 197 Onset Avenue **LOT #** 1001 **MAP:** 1

ZONING DISTRICT: Onset Village 1 (OV-1) **USE REQUESTED:** Mixed Use/Commercial

OWNER OF LAND & BUILDING: Leo's Harbor Lights Realty Trust **TEL. #** 617-548-9992

ADDRESS OF OWNER: 55 Collier Road, Scituate, MA 02066

PERSON(S) WHO WILL USE THE PERMIT: Lenord G. Cubellis & Virginia M. Cubellis

ADDRESS: 55 Collier Road, Scituate, MA 02066

DATE: March 4, 2021 **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 One: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due: _____

Applicant's Name: Leo's Harbor Lights Realty Trust

Applicant's Address: 55 Collier Road, Scituate, MA 02066

Telephone Number: _____

Cell Phone Number: 617-548-9992

Address of Property/Project: 197 Onset Avenue, Onset, MA 02558

Email Address: lcubellis@cmbteam.com

Landowner's Name: Leo's Harbor Lights Realty Trust

Owner's Address: 55 Collier Road, Scituate, MA 02558

Telephone Number: 617-548-9992

Contact Person: Robert J. Rogers (G.A.F. Engineering) Telephone Number: 508-295-6600

Map 1 Lot 1001 Zone Onset Village 1 (OV-1)

Date Approved _____ Date Denied _____

Comments: _____



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L. Riquinha
Director of Inspectional Services

Jaimie Souza
P.O. Box 1174
Onset, MA 02558

December 30, 2020

RE: 2 197 Onset Ave

Notice of Violation

Dear Ms. Souza,

On November 12, 2020, I was made aware of a violation at 197 Onset avenue in Onset, MA; a building which you own and or are in control of. After taking a closer look, it was apparent that you constructed the rear egress deck prior to any permits being issued, and in a nonconforming location. Based on the new site plan you provided, it is hard to tell if the prior deck was conforming or not but that will have to be dimensioned on the plan in order to determine the appropriate relief. If the prior deck was conforming, you will be seeking a variance from the Zoning Board of Appeals for the new non-conformity. If the prior deck was non-conforming, you will be seeking a special permit, or in the alternative a variance if the Board finds that the proposal is substantially more detrimental to the neighborhood. Your property is in violation of the Wareham Zoning By-law.

Zoning by-law, Section 622 Village Districts: A 10' side and rear setback are required in the Onset Village zoning district.

Zoning by-law, Section 622 Village Districts: 30% Building Coverage and 70% impervious is permitted in the OV-1 zoning district. The plans you provided are not clear with respect to coverage; however, you will need to clarify existing and proposed coverages in order to determine the appropriate relief necessary.

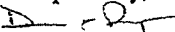
Remedy: You must apply for and secure the appropriate zoning relief from the Zoning Board of appeals. If relief is not granted, It will be required that you reconstruct the deck in a conforming location after securing the necessary permits from the Wareham Building Department.

Failure to comply with this notice may result in fines of up to \$300.00 for each violation. Every day the violation exists shall constitute a separate offense. (Zbl §§1442.2)

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.

Your immediate attention to this matter is appreciated

Respectfully,


David Riquinha
Building Commissioner
Zoning Enforcement Officer

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

The Falmouth National Bank, a National banking association organized
~~as a corporation organized~~ under the laws of the United States
and having its usual place of business at 84 Main Street, Falmouth, Barnstable
County, Massachusetts

for consideration paid, and in full consideration of One Hundred Seventy-Five Thousand and 00/100
(\$175,000.00) Dollars.

grant to Lenord G. Cubellis and Virginia M. Cubellis, as Trustees under a declaration of trust
dated March 26, 1992 and entitled "Leo's Harbor Lights Realty Trust" which trust is to
~~be~~ be recorded herewith of 99 Jacobs Lane, Norwell, MA with quitclaim covenants

the land in

(Description and encumbrances, if any)

Granted Premises: 197 Onset Avenue, Wareham (Onset), Plymouth County, Massachusetts

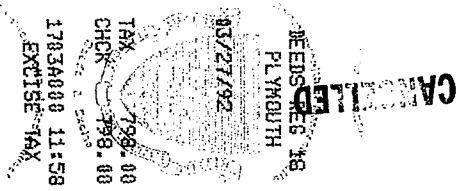
the land and buildings thereon situated in that part of Plymouth
County known as Onset, Wareham, Massachusetts, bounded and
described as follows:

Beginning at a drill hole in the concrete sidewalk for a corner it
being the most westerly corner of the lot to be described and
situated in the northeasterly line of Onset Avenue, and also
situated SOUTH 53° 16' 30" EAST one hundred forty-four and 59/100
(144.59) feet from the County Highway bound at the intersection of
Union Avenue and Onset Avenue; thence running in line of land of
the Town of Wareham

- NORTH 26° 23' 30" EAST fifty-one and 58/100 (51.58) feet to
a stake for a corner; thence turning and running in
line of land of the Town of Wareham;
- NORTH 82° 28' 30" EAST fifty-four and 34/100 (54.34) feet to
a stake for a corner; thence turning and running in
line of land of the Town of Wareham;
- SOUTH 31° 02' 40" EAST thirty-nine and 29/100 (39.29) feet
to a stake for a corner; thence turning and running in
line of land of the Town of Wareham;
- SOUTH 37° 02' 30" WEST seventy-three and 79/100 (73.79) feet
to a point for a corner in the northeasterly line of
the aforementioned Onset Avenue; thence turning and
running in the northeasterly line of said Onset
Avenue;
- NORTH 53° 16' 30" WEST sixty-five and 63/100 (65.63) feet to
the drill hole first mentioned and point of beginning.

This conveyance is subject to and with the benefit of rights
easements and restrictions of record insofar as the same may be
applicable.

Being the same premises conveyed to The Falmouth National
Bank by foreclosure deed dated December 10, 1990 and recorded in
the Plymouth County Registry of Deeds at Book 10126, Page 290.



Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
27 MAR 1992 12:04PM
JOHN D. RIORDAN
REGISTER

JANICE E. ROBBINS
WYNN & WYNN, P.C.
90 NEW STATE HIGHWAY
RAYNHAM, MA 02767

In witness whereof, the said The Falmouth National Bank has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Ronald Garcia its Vice President hereto duly authorized, this 26th day of March in the year one thousand nine hundred and ninety two

Signed and sealed in presence of

Alisa G. Clumphy

THE FALMOUTH NATIONAL BANK
Ronald Garcia
by

The Commonwealth of Massachusetts

Barnstable ss. March 26, 19 92

Then personally appeared the above named Ronald Garcia, Vice President and acknowledged the foregoing instrument to be the free act and deed of the The Falmouth National Bank before me

William G. ...
Notary Public
My commission expires 19

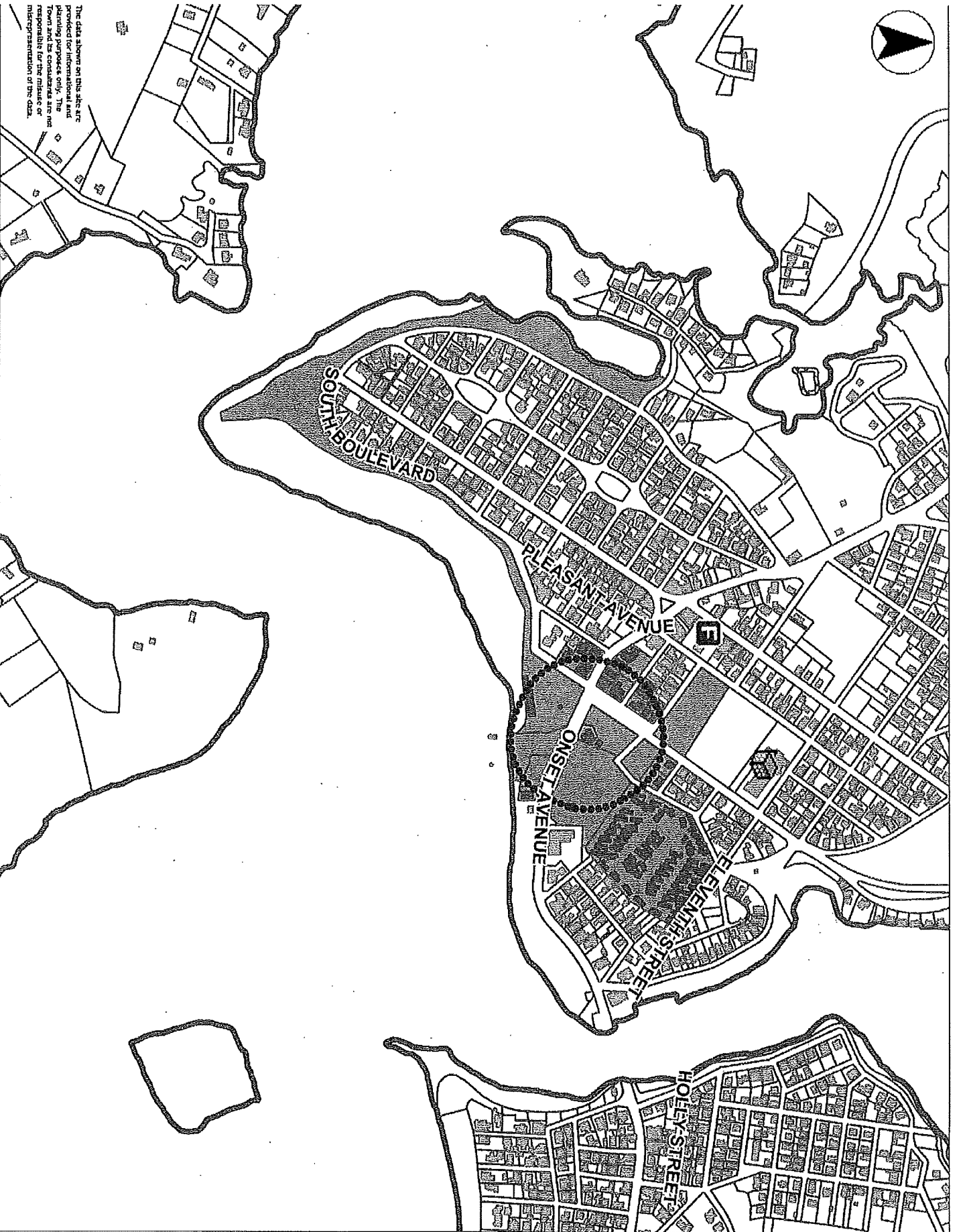
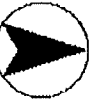
My Commission Expires April 15, 1994

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

← END OF INSTRUMENT →

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 1 LOT 1001						
OWNER LEONARD G CUBELLIS						
1-1048	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571
1-88	DUNLAVY CAROLYN		PO BOX	ONSET	MA	02558
1-89	J & M REALTY ASSOCIATES LTD		PO BOX 1353	ONSET	MA	02558
1-92	TEXEIRA DOMINIC R	TEXEIRA SUSAN M TRUSTEES	PO BOX 236	ONSET	MA	02558
1-203	SOUTH SHORE APARTMENTS LLC	211-219 ONSET AVE	4 ALLEN PLACE	BROOKLINE	MA	02446
1-202	SCOTT WILLIAM RAMSAY LAWRENCE TRS	C/O SCOTT WILLIAM TRUSTEE	PO BOX 426	ONSET	MA	02558
1-201	BAPTISTE STEPHEN M		PO BOX 403	ONSET	MA	02558
1-215/B	FISHER CHERYL A		PO BOX 1113	ONSET	MA	02558
1-214/B	SHEEHAN PATRICK		3 UNION ST	ONSET	MA	02558
1-213	DEAN JOVINA C LIFE ESTATE		PO BOX 306	ONSET	MA	02558
1-225	PHIL JUDINE		97 SUMMER STREET	MEDFORD	MA	02155
1-226/A	AYLMER GREGORY TRUSTEE OF	LIMERICK UNION AVENUE REALTY TR	PO BOX 667	CLUTE	TX	77531
1-226/B	LYONS LORNA R LIFE ESTATE		PO BOX 311	ONSET	MA	02558
1-1001	CUBELLIS LEONARD G	CUBELLIS VIRGINIA M TRUSTEES	55 COLLIER RD	SCITUATE	MA	02066
1-95	GONZALEZ ANN K & SANTIAGO	GONZALEZ RAFAEL H	PO BOX 444	ONSET	MA	02558
1-98	BYS ANTHONY J	ANDREWS-BYS RUTH	73 EAST HILL RD	BRIMFIELD	MA	01010
1-1053	PAPANTONIADIS PROPERTIES LLC		201 COMMON ST	DEDHAM	MA	02026
1-1009	ONSET BEACH MHP LLC	C/O MATTHEW P FALCONEIRI	45 INDUSTRIAL PARK RD STE3	HINGHAM	MA	02043
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 1/1/2021.						
<i>By Robert Adams</i>						
ASSESSORS OFFICE						
REQUESTED BY						
BOB ROGERS						
508 295-6600						
BOB@GAFENGINC.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.

800 1600 ft

Printed on 02/16/2021 at 08:44 AM

MapOnline by PeopleGIS

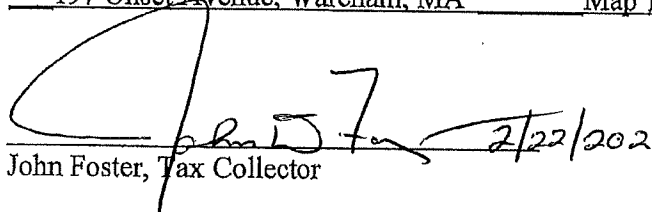
- MA Places
 - Police Station
 - Town Hall
 - Public Library
 - School
- Buildings
- Parcels
- Town Boundary
- MA Highways
 - Interstate
 - US Highway
 - Numbered Road
- Streets
- Speed
- Bathymetry
 - 0-5 ft
 - 5-10 ft
 - 10-15 ft
 - 15-20 ft
 - 20-30 ft
 - 30-40 ft
 - 40-50 ft
 - 50-60 ft
 - 60-70 ft
 - 70+ ft
- Adjoining Town Labels
- Adjoining Towns

PLANNING BOARD
TAX VERIFICATION FORM

This verifies that Leo's Harbor Lights Realty Trust(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 Lenord G. Cubellis, Trustee (name of property owner) is up-to-date on taxes on all properties he/she owns in the Town of Wareham.

197 Onset Avenue, Wareham, MA

Map 1 / Lot 1001


John Foster, Tax Collector

2/22/2021



