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# THE LAW OFFICES OF BELLO & MORTON, LLC

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184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

February 7, 2024

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

Re: Variance Application for Mallory Decas; Property Located at 11 Tower Terrace,  
Wareham, MA; Assessor's Map 61, Lot LC17

Dear Members of the Board of Appeals:

Please find enclosed the following information and exhibits:

1. Petitioner:

Mallory Decas  
3 Tower Terrace  
Wareham, MA 02571

2. Record Owner:

Mallory Decas  
3 Tower Terrace  
Wareham, MA 02571

3. Current Deed:

Plymouth Registry District of Land Court, Certificate of Title No. 128383, Deed  
attached as Exhibit A.

4. Building Inspector's Denial Letter:

Denial Letter attached here as Exhibit B from the Building Commissioner  
referencing Appeal to Zoning Board of Appeal is necessary.

5. Certified Abutters List:

Copy Attached as Exhibit C.

6. Site Plan:

Copy Attached as Exhibit D.

7. Architectural Renderings:

Copy Attached as Exhibit E.

8. Sewer Approval for New Construction

Copy Attached as Exhibit F.

9. Attorney Opinion Letter from Patricia McCardle

Copy Attached as Exhibit G.

10. Abutters Letters in Support

Copy Attached as Exhibit H.

Dear Board Members,

I represent Ms. Mallory Decas in the above captioned Variance Application. We are seeking approval from the Board for a three-bedroom residential home new construction to be built on a 30,028 square foot lot in the quaint neighborhood of Tower Terrace. My client Ms. Decas is a young professional who works a NICU nurse in Boston. Her family resides in town and she grew up here. She is very excited to have the opportunity to have her first home here.

The crux of the matter before you are one of merger and infectious invalidity. The infectious invalidity zoning concept stems from when property is divided without regard for local zoning requirements. As the Land Court has ruled, "A property owner may not create a valid building lot by dividing it from another parcel rendered non-conforming by such division." (*Pateuk v. Coppola, Misc Case No. 244530 (Land Ct. 1998)*).

In this case, 5 Tower Terrace owned by Ms. Angeliki Decas, Mallory's grandmother, was deemed to merged with part of 11 Tower Terrace in 2019 when Mr. John Decas conveyed it to his wife for estate planning purposes. 5 Tower Terrace went from an existing lot area of a little

over 13,000 sf. to 25,000 sf. as the vacant merged with the house lot. That being said, in my opinion that lot was still undersized and non-conforming. Now that lot then known as 11 Tower (12,000 sf.) was conveyed to Mallory along with additional lots and approved through an ANR plan to make a conforming lot. In my opinion, our case fails to hit the threshold of infectious invalidity as the creation of a valid building lot did NOT render the existing lot of 25,000 sf. non-conforming to zoning standards- it was already undersized at the time of merger and prior.

There are surely situations before the Board which warrant strict enforcement of the merger theory, for example when owners are misrepresenting uses trying to maximum profits. This case is starkly different. What Ms. Mallory Decas is doing is creating a lot with all adequate zoning requirements, frontage, lot area etc. and the house lot located at 5 Tower Terrace should be granted a Variance to revert to the grandfather status here. If denied, Ms. Decas would face a huge hardship financially and the result would be two non-conforming lots – one with a preexisting home and one deemed vacant land and unbuildable.

I encourage the Board members to drive up to the site and they will see that most of the lots on this part of the road are very undersized for the MR30 district with only a select few in compliance. The property located at 11 Tower Terrace is the last area in this subdivision to be built on – allowing this Variance would be a fantastic addition to the neighborhood and increase property values.

Respectfully submitted,



JILIAN A. MORTON, ESQ.

508-295-2522

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:

STREET & NUMBER: 11 Tower Terrace LOT: 61 MAP: LC17

ZONING DISTRICT: MR-30

USE REQUESTED: Single family residence

OWNER OF LAND & BUILDING: Mallory Decas TEL.# \_\_\_\_\_

ADDRESS OF OWNER: 3 Tower Terrace, Wareham, MA 02571

PERSON(S) WHO WILL UTILIZE PERMIT: Mallory Decas

ADDRESS: 3 Tower Terrace, Wareham, MA 02571

DATE: 8-7-2024 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: Mallory Decas

Applicant's Address: Attorney Jilian Morton, 184 Main Street, Wareham, MA 02571

Telephone Number: 508-295-2522

Cell Phone Number: \_\_\_\_\_

Email Address: jam@mortonlawllc.com

Address of Property/Project: 11 Tower Terrace

Landowner's Name: Mallory Decas

Owner's Address: 3 Tower Terrace, Wareham, MA 02571

Telephone Number: \_\_\_\_\_

Contact Person: Jilian Morton Telephone Number: 508-295-2522

Map 61 Lot LC17 Zone MR-30

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# EXHIBIT A

\*\*\* Electronic Recording \*\*\*  
Doc#: 00796107  
Bk: 00649 Pg: 120 Cert: 129920  
Rec Date: 03/06/2020 11:21 AM  
Also Noted On: 128383  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 03/06/2020 11:21 AM  
Ctrl# Doc# Plymouth County Registry of Deeds  
Fee: \$.00 Cons: \$1.00  
\*\*\*\*\*

**QUITCLAIM DEED**

**I, Angeliki Decas, of 5 Tower Terrace, Wareham, Massachusetts 02571,**

**In consideration of One Dollar and Zero Cents (\$1.00), receipt of which is hereby acknowledged**

**Grant to Mallory Decas, individually, now of 3 Tower Terrace, Wareham, Massachusetts 02571**

**with Quitclaim Covenants**

a certain parcel of land situated in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

- NORTHEASTERLY by Lot 10, one hundred five and 67/100 (105.67) feet;
- NORTHWESTERLY by Wareham Fire District by three lines measuring twenty-one and 14/100 (21.14) feet, thirty-five and 54/100 (35.54) feet, and eighty-six and 33/100 (86.33) feet respectively;
- SOUTHWESTERLY by Tower Terrace, one hundred twenty-one (121) feet; and
- SOUTHEASTERLY by Lot 18, one hundred eight and 14/100 (108.14) feet.

Said parcel is shown as Lot 17 on subdivision plan #18302G drawn by Walter E. Rowley & Associates, Surveyors, dated July 1, 1970, on file with the Plymouth County District of the Land Court with Certificate of Title No. 8420.

Together with the right to pass and repass over the streets and ways as shown on the above-mentioned plan.

Together with all rights, privileges and easements connected therewith and subject to restrictions and easements of record and subject to any building and zoning law requirements which may be in force and applicable.

For Grantor's title, see deed registered on April 19, 2019 in the Plymouth County Land Registration Department and Certificate of Title no. 128383.

Property Address: TOWER TERRACE, WAREHAM, MA 02571

I, ANGELIKI DECAS, do hereby voluntarily release and relinquish all of my rights, if any, as set forth in Massachusetts General Laws, Chapter 188, and state under the pains and penalties of perjury that I waive any and all homestead rights and further state that no other person or entity is entitled to an estate of homestead in the property.

Witness my hand and seal on this Quitclaim Deed on this 27 day of February 2020.

Angeliki Decas  
Angeliki Decas

COMMONWEALTH OF MASSACHUSETTS

County of Plymouth, ss.

On this 27<sup>th</sup> day of February 2020, before me, the undersigned notary public, personally appeared Angeliki Decas, proved to me through satisfactory evidence of identification, which were  photographic identification with signature issued by a federal or state governmental agency,  personal knowledge of the undersigned,  oath or affirmation of a credible witness, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

(SEAL)

Joyce Bacchiocchi  
Name: JOYCE BACCHIOCCHI  
Notary Public  
My Commission Exp: 9/26/2025



**JOYCE BACCHIOCCHI**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
September 26, 2025



# EXHIBIT B



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

Paul Turner  
Director of Inspectional Services

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January 9, 2024

Ms. Mallory Decas  
3 Tower Terrace  
Wareham, Massachusetts 02571

**RE: 11 Tower Terrace / Map 61, Lot LC-17**

### **REVISED LETTER OF BUILDING PERMIT APPLICATION DENIAL**

Ms. Decas,

I have reviewed your Building Permit application B-23-407, submitted June 29, 2023 to construct a single family home located at 11 Tower Terrace, Wareham, Massachusetts. At this time I must deny your request.

Your application is being denied due to the fact that Lot 17, as shown on the "Site Plan for Proposed Dwelling", prepared by G.A.F. Engineering, Inc., dated June 29, 2023 submitted by you to Building Permit Application B-23-407 is not eligible to be removed from 5 Tower Terrace, which is comprised of lots 10 and 17, as shown on the same plan. Land cannot be severed from an existing nonconforming lot to generate required square footage to create another buildable lot, resulting in that house lot (5 Tower Terrace) becoming more nonconforming. Even though the owner of 5 Tower Terrace processed separate deeds to the two lots, they cannot be separated due to the fact that they had merged for zoning purposes the day that the owner of 5 Tower Terrace purchased lot 17.

5 Tower Terrace, AKA lot 10, was purchased by John A. Decas June 6, 1967. Mr. Decas went on to purchase lot 11 on September 14, 1970. The zoning at the time rendered lot 11 a buildable lot. The zoning district where the lots are located was changed on June 21, 1971 from 10,000 square feet of area and 100 feet of frontage to 30,000 square feet of area, 150 feet of frontage. Lot 11 was not developed by Mr. Decas before the zoning change and merged for zoning purposes with 5 Tower Terrace due to common ownership.

The merger doctrine in theory is to merge land, held in common ownership, enabling the combined property to become more conforming to current zoning. After the merger of 5 Tower Terrace and lot 11, 5 Tower Terrace exceeded the required frontage but lacked the required 30,000 square feet of area for current zoning requirements. Mr. Decas went on to purchase lot 17 on September 4, 1974. This lot also merged with 5 Tower Terrace, again due to common ownership resulting in 5 Tower Terrace containing 40,753 square feet, exceeding the required lot area to become a conforming lot under current zoning regulations.

Mr. Decas along with Melissa A.R. Decas and Dean J. Decas applied on April 10, 1997 for an Application for a Public Hearing for a Variance "to divide Lot LC11 from other two lots and allow new dwelling thereon; variance of frontage and area requirements for new dwelling on LC11 and of area

requirement for existing dwelling on Lots LC10 and LC17.” The Board of Appeals granted a Variance for petition 19-97 on May 19, 1997. This Variance resulted in 5 Tower Terrace becoming a nonconforming lot due to frontage (102.84’) and area (25,343sf) again.

The house lot known as 11 Tower Terrace was created by “Approval Not Required” plan of land, prepared by G.A.F. Engineering, Inc., dated August 10, 2020. The plan depicted the combination of lots 16, 17, 33 and parcel 15-B with a combined total area of 30,028 square feet with ample frontage to create a house lot that meets the current MR-30 zoning district dimensional requirements. Lot 17 was obtained by deed, dated March 6, 2020 for consideration of \$1.00 from Angeliki Decas, owner of 5 Tower Terrace, which was comprised of lot 10 and lot 17, recorded at the Plymouth Registry of Deeds, BK 649, PG 120, Certificate 129920. This transaction evoked infectious invalidity on both properties, 5 and 11 Tower Terrace.

#### **VIOLATION:**

In zoning law, infectious invalidity is a principle where a parcel of land that itself complies with zoning requirements is considered to be in violation of zoning laws because of the circumstances of its creation. The situation arises when a parcel of land is improperly divided into two lots, resulting in one of the lots conforming (11 Tower Terrace) to the applicable zoning standards and one lot not conforming (5 Tower Terrace). **The legal principle is applied resulting in the conforming lot being deemed to be infected because of the illegal condition created on the other lot and the creation of the two lots is deemed invalid.** Infectious invalidity affects both zoning and property ownership rights.

#### **POTENTIAL REMEDIES:**

Reunite lot 17 with lot 10, therefore returning 5 Tower Terrace to its previous physical condition. This action would not revert 5 Tower Terrace back to a pre-existing, nonconforming lot due to area and frontage. 5 Tower Terrace would need to seek relief from the Zoning Board of Appeals for lacking both frontage and area to be considered a pre-existing nonconforming lot. Zoning protection was forfeited when the owner severed land area making 5 Tower Terrace an illegal lot.


Obtain the required land area to replace the removal of lot 17 from 11 Tower Terrace from the abutter to the north of the site.

Apply for relief from the Zoning Board of Appeals for lot area if lot 17 is removed from 11 Tower Terrace and not replaced with abutting land area to the north of the site.

Facilitate the owners of 5 Tower Terrace to appeal their ” Notice of Violation”, dated September 12, 2023 to the Zoning Board of Appeals for relief from required lot area and frontage, in order for the improper division of the lot to be nullified and return 5 Tower Terrace’s status to a pre-existing nonconforming lot. This action would allow lot 17 to remain with 11 Tower Terrace.

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

Respectfully,

  
Paul E. Turner  
Building Commissioner  
Zoning Enforcement Officer

**It is the owners’ responsibility to check with other departments to ensure full compliance.**

**In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.**

# EXHIBIT C

TOWN OF WAREHAM ABUTTERS

MAP 61 LOT LC17

OWNER MALLORY DECAS

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
61-0-1	MCKAY DANIEL J, MCKAY MARY E	2 TOWER TERR,	WAREHAM, MA	02571
61-0-1C17	DECAS MALLORY	3 TOWER TERR,	WAREHAM, MA	02571
61-0-1175	15 GIBBS AVE LLC	PO BOX 231	WAREHAM, MA	02571
61-0-1176	PETERS MATTHEW	25 GIBBS AVE,	WAREHAM, MA	02571
61-0-1206.A	WAREHAM LAND TRUST INC THE,	PO BOX 718,	WAREHAM, MA	02571
61-0-1206.C	STAPLES FREMONT C	9 BODFISH AVE,	WAREHAM, MA	02571
61-0-19	EKALLASSI NAZIH B,	20 TOWER TER,	WAREHAM, MA	02571
61-0-2	HENNESSEY MARK A TRUSTEE, PATRICIA J HENNESSEY SUP NEEDS	4 TOWER TER,	WAREHAM, MA	02571
61-0-23	AMARAL SCOTT F, AMARAL NORINE A	28 TOWER TER,	WAREHAM, MA	02571
61-0-3	SAMUELS ANNALISE L,	6 TOWER TERR,	WAREHAM, MA	02571
61-0-4	SEQUEIRA SUSAN E GOVONI TRUSTEE,	500 HEAD OF THE BAY RD,	BUZZARDS BAY, MA	02532
61-0-5	PALING RICHARD J,	10 TOWER TERRACE,	WAREHAM, MA	02571
61-0-6	GREENE JAMES F,	12 TOWER TER,	WAREHAM, MA	02571
61-0-8	BIEDUGNIS MATTHEW J, BIEDUGNIS KIM A	16 TOWER TERR,	WAREHAM, MA	02571
61-0-1C1	RIVERA GEORGE, RIVERA KIMBERLY A	520 MAIN ST,	WAREHAM, MA	02571
61-0-1C10	DECAS ANGELIKI,	5 TOWER TER,	WAREHAM, MA	02571
61-0-1C11	DECAS DEAN J, DECAS MELISSA A R	3 TOWER TERR,	WAREHAM, MA	02571
61-0-1C12	GRAHAM ROBERT FRANCIS, GRAHAM GERALDINE ANNE	1 TOWER TER,	WAREHAM, MA	02571
61-0-1C18	DONOVAN CAROL	9 TOWER TER,	WAREHAM, MA	02571
61-0-1C9	GIASSON MICHELE D LIFE ESTATE,	7 TOWER TER,	WAREHAM, MA	02571

CERTIFIED ABUTTERS AS THEY APPEAR  
ON OUR TAX ROLLS AS OF 1/10/2024

*Cheryl Silva*

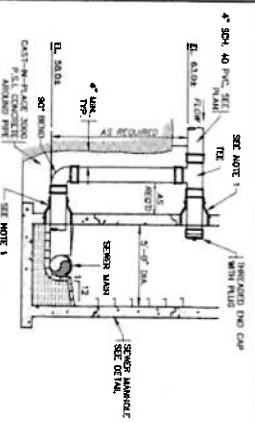
ASSESSORS OFFICE

CHERYL SILVA  
508 295-2522

CHERYL@MORTONLAWLLC.COM

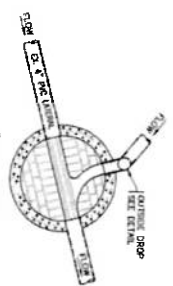


# EXHIBIT D

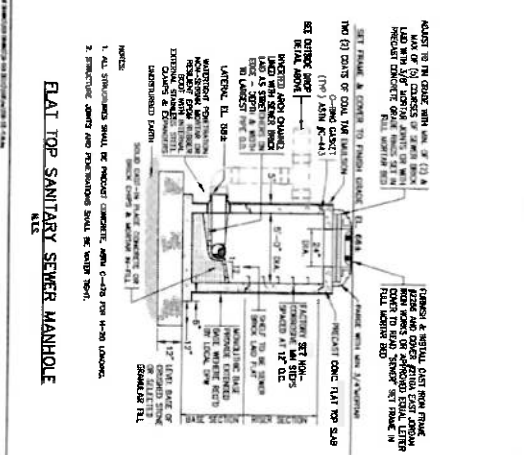


- NOTES:
1. USE MATERIALS SPECIFIED FOR NON-SINK MORTAR OR RESIDUAL CLAY & EXPANSIVE.
  2. ALL STRUCTURE JOINTS AND PENETRATIONS SHALL BE WATER TIGHT.
  3. NOTES TO PLANS FOR PIPE SIZES, WEIGHTS, SPAN AND LOADINGS.

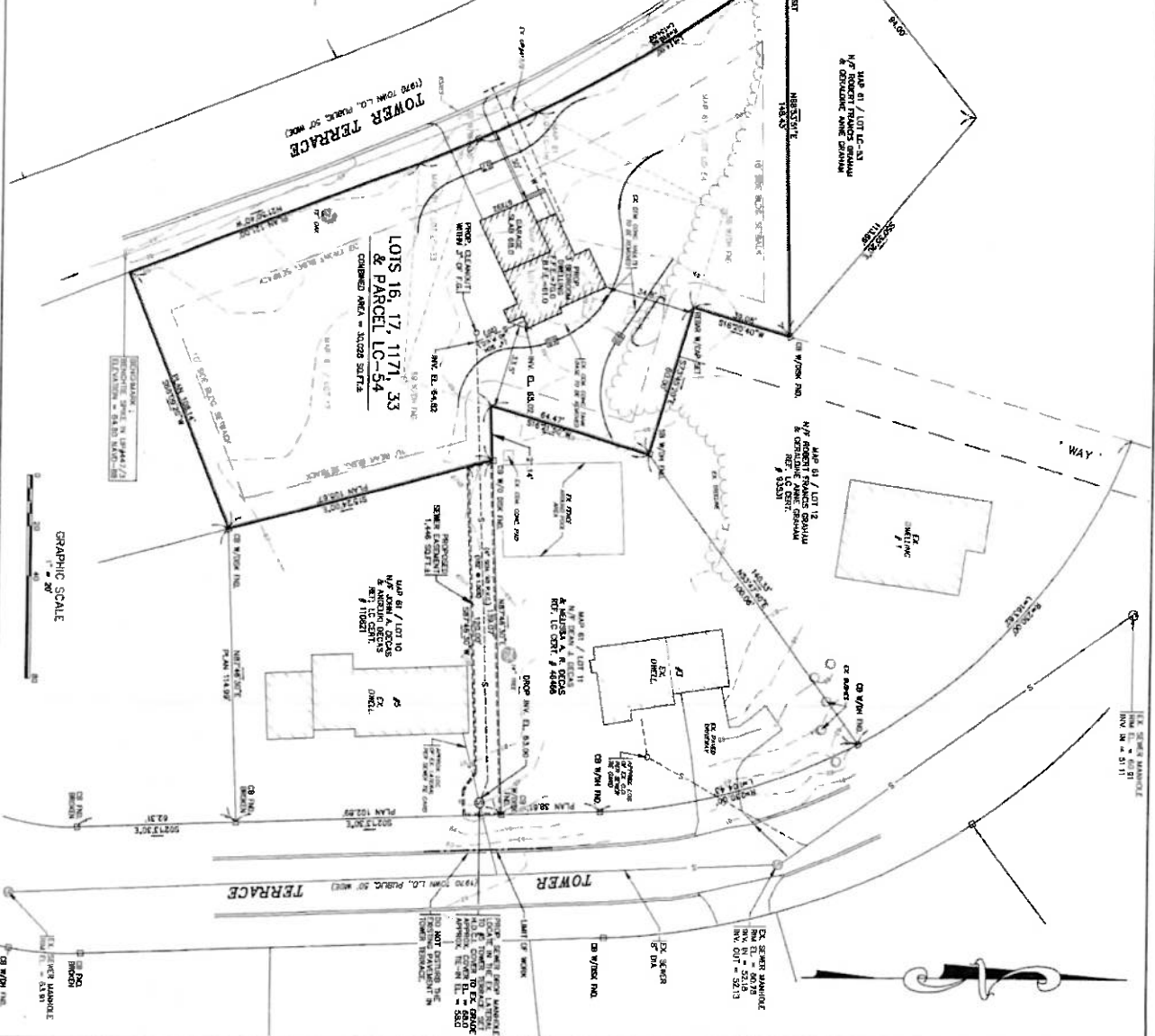
**SEWER MANHOLE  
OUTSIDE DROP DETAIL**  
N.T.S.



**PLAN VIEW  
OUTSIDE DROP DETAIL**  
N.T.S.



**FLAT TOP SANITARY SEWER MANHOLE**  
N.T.S.



**OWNER & ARCHITECT:**  
MALLORY DECAS  
266 MAIN STREET - WARHAM, MA  
TEL: (508) 295-6500 FAX: (508) 295-6534

**DATE:** JAN. 29, 2003

**DRAWN BY:** JH

**CHECKED BY:** JHM

**JOB NO.:** 20-2003

**SCALE:** 1" = 20'

**REV. DATE BY APP'D. DESCRIPTION**

**G.A.F. ENGINEERING, INC.**  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
266 MAIN STREET - WARHAM, MA  
TEL: (508) 295-6500 FAX: (508) 295-6534

**APPROVED BY:** [Signature]

**DATE:** JAN. 29, 2003

**DRAWN BY:** JH

**CHECKED BY:** JHM

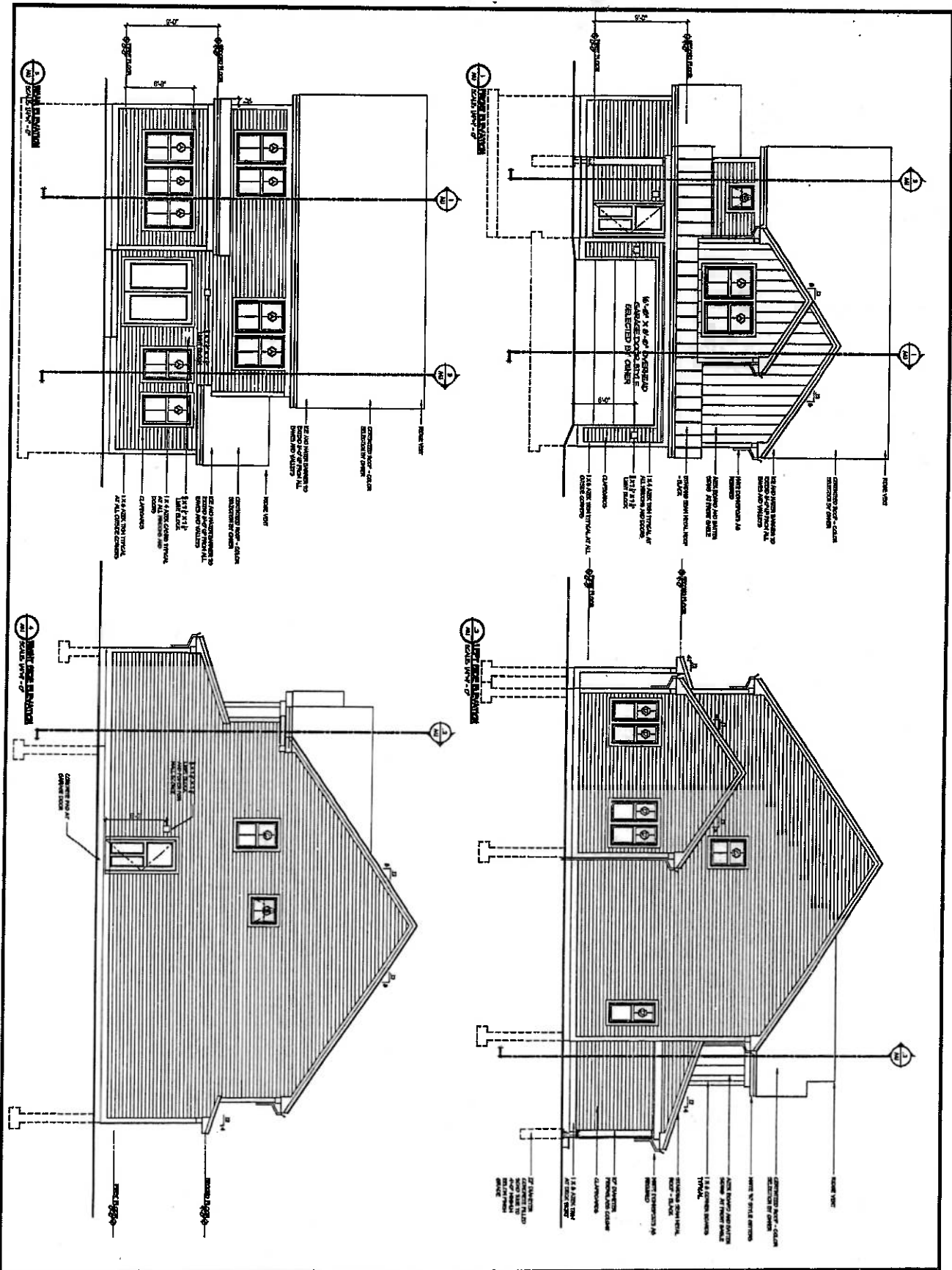
**JOB NO.:** 20-2003

**SCALE:** 1" = 20'

**REV. DATE BY APP'D. DESCRIPTION**



# EXHIBIT E



DATE	2006.05
PROJECT NO.	W13
DATE	OCTOBER 04, 2008
SCALE	1/4" = 1'-0"

**WAYNE JOHN JACOBS**  
 ARCHITECTURAL DESIGN  
 47 Fishermen Circle  
 Middleboro, MA 01948  
 Phone: 508-238-2808  
 Fax: 508-238-2808  
 www.waynejacobs.com

**DECKS RESIDENCE**  
 TOWER TERRACE  
 WARHAM, MA

NO.	DATE	REVISIONS

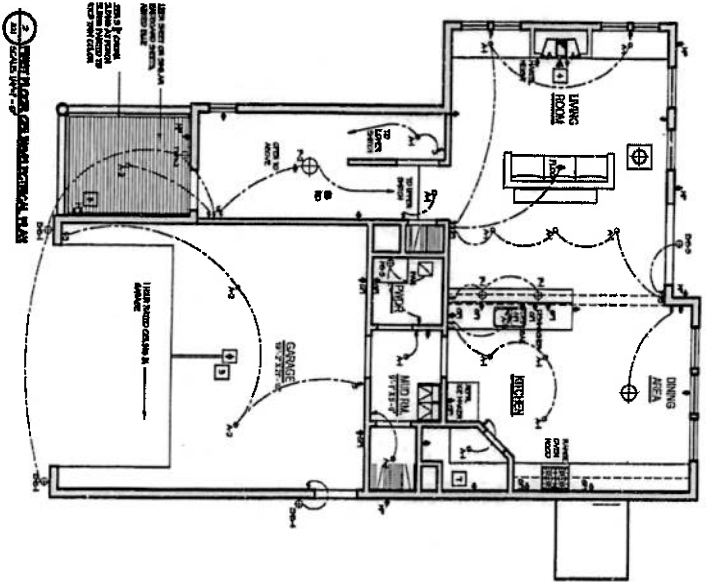
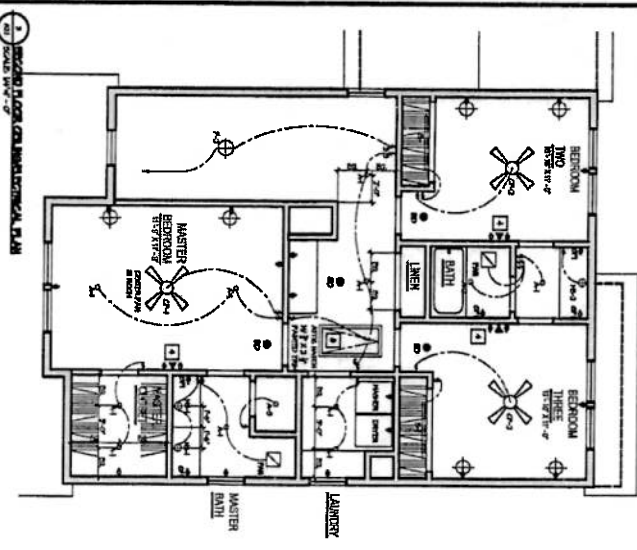
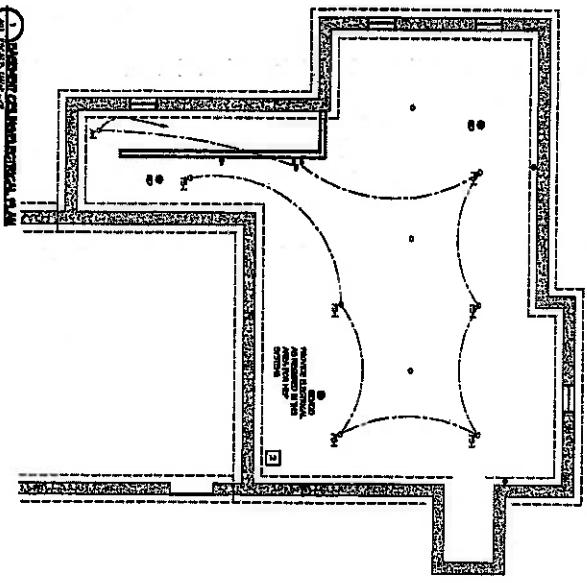
**EXTERIOR ELEVATIONS**

1.5\"

**A5.1**







- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.
  2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
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  8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
- GENERAL NOTES - PROPOSED CHANGES**
1. ALL CHANGES TO BE CONSIDERED IN WORKING WITH THE ARCHITECT.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
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  10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

**LINE ITEM SCHEDULE**

NO.	DESCRIPTION	UNIT	QUANTITY	PRICE	TOTAL
1	FOUNDATION	SQ. FT.	100	100.00	10000.00
2	FLOORING	SQ. FT.	200	200.00	40000.00
3	WALLS	SQ. FT.	300	300.00	90000.00
4	CEILING	SQ. FT.	200	200.00	40000.00
5	ROOFING	SQ. FT.	100	100.00	10000.00
6	MECHANICAL	HR.	50	50.00	2500.00
7	ELECTRICAL	HR.	50	50.00	2500.00
8	PLUMBING	HR.	50	50.00	2500.00
9	PAINTING	SQ. FT.	100	100.00	10000.00
10	LANDSCAPING	SQ. FT.	100	100.00	10000.00
11	CONCRETE	SQ. FT.	100	100.00	10000.00
12	BRICK	SQ. FT.	100	100.00	10000.00
13	GLASS	SQ. FT.	100	100.00	10000.00
14	STEEL	SQ. FT.	100	100.00	10000.00
15	WOOD	SQ. FT.	100	100.00	10000.00
16	ROOFING	SQ. FT.	100	100.00	10000.00
17	MECHANICAL	HR.	50	50.00	2500.00
18	ELECTRICAL	HR.	50	50.00	2500.00
19	PLUMBING	HR.	50	50.00	2500.00
20	PAINTING	SQ. FT.	100	100.00	10000.00
21	LANDSCAPING	SQ. FT.	100	100.00	10000.00
22	CONCRETE	SQ. FT.	100	100.00	10000.00
23	BRICK	SQ. FT.	100	100.00	10000.00
24	GLASS	SQ. FT.	100	100.00	10000.00
25	STEEL	SQ. FT.	100	100.00	10000.00
26	WOOD	SQ. FT.	100	100.00	10000.00
27	ROOFING	SQ. FT.	100	100.00	10000.00
28	MECHANICAL	HR.	50	50.00	2500.00
29	ELECTRICAL	HR.	50	50.00	2500.00
30	PLUMBING	HR.	50	50.00	2500.00
31	PAINTING	SQ. FT.	100	100.00	10000.00
32	LANDSCAPING	SQ. FT.	100	100.00	10000.00
33	CONCRETE	SQ. FT.	100	100.00	10000.00
34	BRICK	SQ. FT.	100	100.00	10000.00
35	GLASS	SQ. FT.	100	100.00	10000.00
36	STEEL	SQ. FT.	100	100.00	10000.00
37	WOOD	SQ. FT.	100	100.00	10000.00
38	ROOFING	SQ. FT.	100	100.00	10000.00
39	MECHANICAL	HR.	50	50.00	2500.00
40	ELECTRICAL	HR.	50	50.00	2500.00
41	PLUMBING	HR.	50	50.00	2500.00
42	PAINTING	SQ. FT.	100	100.00	10000.00
43	LANDSCAPING	SQ. FT.	100	100.00	10000.00
44	CONCRETE	SQ. FT.	100	100.00	10000.00
45	BRICK	SQ. FT.	100	100.00	10000.00
46	GLASS	SQ. FT.	100	100.00	10000.00
47	STEEL	SQ. FT.	100	100.00	10000.00
48	WOOD	SQ. FT.	100	100.00	10000.00
49	ROOFING	SQ. FT.	100	100.00	10000.00
50	MECHANICAL	HR.	50	50.00	2500.00

**WAYNE JOHN JACQUES ARCHITECTURAL DESIGN**

43 Redstone Circle  
 Middletown, MA 02746  
 Phone: 508-328-8530  
 Fax: 508-328-8530  
 www.jacquescad.com

**PROJECT INFO**

PROJECT NAME: DECAS RESIDENCE TOWER TERRACE WARDHAM, MA

DATE: 10/10/2022

ISSUED FOR CLIENT REVIEW - DATE: 10/10/2022



# EXHIBIT F



## WAREHAM WATER POLLUTION CONTROL FACILITY

6 Tony's Lane  
Wareham, MA 02571  
Telephone (508) 295-6144  
Fax (508) 291-0155  
TTY (800)439-2370

Guy Campinha, Director

July 6, 2021

GAF Engineering  
266 Main Street  
Wareham, MA 02571

Dear Sir and/or Madam,

At the Board of Sewer Commissioners meeting on June 24, 2021, the Board voted unanimously to approve your project for sewer connection.

Projects: Tower Terrace, 83 Sandwich Road, 3128B Cranberry Highway, and 36-48 Robinwood Road

If you have any questions, please contact our office at (508) 295- 6144.

Sincerely,

Guy Campinha, Director

GC/cr



# EXHIBIT G

LAW OFFICE OF  
PATRICIA A. McARDLE  
&  
ASSOCIATES, P.C.

PO Box 398  
45 Main Street  
Mattapoisett, MA 02739

Tel. 508-758-9449  
Fax 508-355-8483  
mcardlepatricia@msn.com

August 11, 2023

Town of Wareham  
Attn: Building Commissioner  
54 Marion Road  
Wareham,, MA 02571

**RE: APPLICANT: MALLORY DECAS**  
**PROPERTY: 11 TOWER TERRACE, WAREHAM, MA**

Dear Commission Turner:

I am writing this letter on behalf of Applicant, Mallory Decas, who is seeking a building permit to build a home on Tower Terrace. Ms. Decas is the granddaughter of John Decas and Angeliki Decas, who owned a single-family home located at 5 Tower Terrace, Wareham, MA. Until 2019, John Decas also owned a vacant lot, now known as 11 Tower Terrace, Wareham, MA and also identified as Map 61 Lot LC17 on the Assessor's Maps. After meeting with an estate planning attorney, it seems John and Angeliki decided to transfer all land from John's name into just Angeliki's name alone. The lots remained on separate Certificates of Title at the Land Court, and remained separate on the Assessor's cards and the Tax Collector's bills. Unbeknownst to John Decas and Angeliki Decas, the 2019 transfer of property may have inadvertently caused a merger of interests since both lots were undersized lots.

These lots are located in the MR30 zone which requires 30,000 sf for a new buildable lot. 5 Tower Terrace has a little over 13,000 sf and 11 Tower Terrace had approximately 12,000 sf.

The intent and purpose of the law of merger is to encourage non-conforming lots to become conforming lots and/or less non-conforming lots, when there is common ownership of adjacent, non conforming lots. We must keep in mind that it wasn't just 5 Tower Terrace that was a non-conforming lot. The land at 11 Tower Terrace was also non-conforming and Ms. Decas has now turned it into a conforming lot.

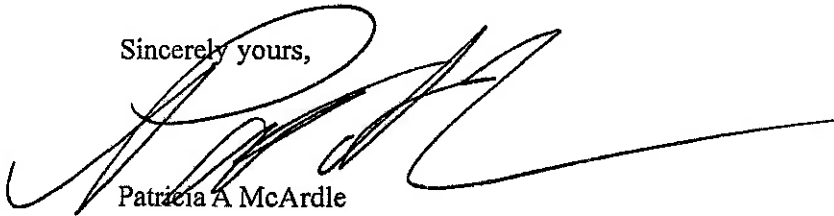
Ms Decas has complied with the purpose and intent of the law of merger when she took the undersized lot at 11 Tower Terrace and combined it with additional land adjacent thereto and ultimately created a CONFORMING and buildable lot. This lot is now the 3rd lot to be conforming in the neighborhood of Tower Terrace, which is otherwise home to 12 other non-conforming lots. Leaving 5 Tower Terrace with its existing 13,000 sf, is not detrimental to the nature and character of this neighborhood. In fact nothing changes at all. However, on the contrary, Ms. Decas' new lot has enhanced the neighborhood and turned a non-conforming lot at 11 Tower Terrace into a conforming lot by the current zoning standards.

Thus as presented, we respectfully request that you issue Ms. Decas her building permit on the conforming, and buildable lot, as she has presented at 11 Tower Terrace, Wareham, MA.

Let me know if I can provide any additional information.

Thank you for your attention and anticipated cooperation.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'P. McArdle', with a long horizontal flourish extending to the right.

Patricia A. McArdle

# EXHIBIT H

Richard Paling  
10 Tower Terrace  
Wareham, MA 02571

January 10,2024

Memorial Town Hall  
54 Marion Road  
Wareham, Ma 02571

To Whom it may Concern,

My name is Richard Paling. I own and live at the property on 10 Tower Terrace. It is my understanding Mallory Decas is seeking approval to purchase a piece of land from 5 Tower Terrace in order to have a buildable lot. I am writing this letter in support of Mallory Decas being allowed to purchase said property and to build a house of her own on the abutting property.

Sincerely,  
Richard Paling

To Whom Ot May Concern,

As abutters to Ms. Mallory Decas, we are pleased to have her as a neighbor. She has worked diligently towards her goal of building a new home for herself, going step by step through all the town requirements.

Please consider her variance request as she will be an asset to our area.

Sincerely,

Robert & Geraldine Graham  
1 Tower Terrace  
Wareham, Ma

## Letter of Support for Mallory Decas Variance Request

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To: The Zoning Board

My name is Annalise Samuels, I am the homeowner of 6 Tower Terrace. I have lived across the street from Mallory since 2015. I am writing to inform you that I give my support for the variance request Mallory is seeking. If I can be of any further assistance, please feel free to contact me.

Sincerely,

*Annalise Samuels*

508-951-9618

1/8/2024

Susan Sequeira  
Property Owner  
8 Tower Terrace  
Wareham MA

To Whom it concerns;

As a Tower Terrace property owner, I fully support granting a variance to Mallory Decas to build her home on Tower Terrace..

My grandfather, Harry Rhodes, established this close knit neighborhood in the early 1960s. The majority of these homes are now owned by second and third generation family members. He would be thrilled, as I am, that the granddaughter of one of our original neighbors would also be able to enjoy the neighborhood. It truly is a special place.

Thank you for your consideration,

Susan Sequeira  
508.317.4334