



**PLANNING  
DEPARTMENT**

54 Marion Road  
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# Town of Wareham

To: Zoning Board of Appeals  
From: Planning Department  
Date: July 21, 2022  
Subject: Create a fourth dwelling unit on the property by converting the detached garage into a second principal structure  
Location: 18 Highland Road – **Variance & Special Permit**

<b>Map:</b>	61	<b>Case No.:</b>	23-22
<b>Lot:</b>	1140	<b>Zoning:</b>	WV-2
<b>Hearing Dates:</b>	7/21/22	<b>Lot Area:</b>	±14,710 SF

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## SITE AND NEIGHBORHOOD

18 Highland Road is a three-family home located in West Wareham. The three-story structure is situated on a small lot which slopes downward ±4' towards Highland Road. Though a garage is located behind the principal structure, parking is provided via the gravel area located between the two structures. The garage and parking area are accessed via a paved driveway on the right side. The surrounding neighborhood consists of other single-family residential structures.

## BACKGROUND

2003 - The Building Commissioner granted the applicant permission to convert half of the garage into a recreational space.

## APPLICANT'S PROPOSAL

The applicant and owner, John F. Keating JR., is proposing to create a fourth dwelling unit on the property by converting the detached garage into a second principal structure. The garage is located in the rear of the lot, and is currently used for storage, and also contains recreational space.

The applicant is not proposing to expand the footprint or height of the garage. The only change proposed is the change of use.

## FINDINGS

**Article 6, §622 Village Districts:** 15,000 sf for the first dwelling unit, and 2,000 for each additional dwelling unit. In total, 21,000 sf of area is required for a four-family. The applicant has 14,710sf which does not comply. The applicant is 6,290sf short of the requirement.

**Article 3, §320 Table of Principal Use:** The Zoning Board of Appeals may grant a four family use within an existing structure via Special Permit.

**Article 13, §1360 Alteration of Extension of Other Structures:** The Zoning Board of Appeals may grant the conversion of the garage into an additional residential dwelling via Variance as the proposal is an intensification of a non-conforming use.

### **PLANNING DEPARTMENT COMMENTS**

The Planning Department has requested a certified site plan, stamped and signed by a certified surveyor, along with elevations which show the height of the garage from the applicant. Additionally, the Department considers the additional dwelling unit to trigger an additional 1.5 parking spaces of relief required. Section 960 of the Zoning By-Law notes if an existing structure changes use without enlarging the structure, the developer may be allowed a reduction in the number of parking spaces required. Overall, the Department is unsupportive of the change in use for a lot this small, being that Section 960 could waive the required parking for an additional dwelling unit. The Department would feel more comfortable if the total number of existing and proposed parking spaces (with appropriate dimensions) were indicated on the site plan to get a sense if adequate parking could be provided to accommodate the fourth dwelling unit.

**If the Zoning Board of Appeals recommends approval of the site plan by G.A.F Engineering, dated 2/23/22, the Planning Department recommends the following conditions:**

- 1. The Zoning Board of Appeals and its Staff shall have access to the project site to ensure that these conditions are complied with.**
- 2. No modification of the site plan or changes in details for construction shall be done without the applicant/owner first presenting a proposal for such modification or changes to the Zoning Board of Appeals for consideration. The Zoning Board of Appeals may determine if changes are insignificant or if such changes require a public hearing. In either case, a modified Special Permit & Variance is required and shall be recorded in the Plymouth County Registry of Deeds.**
- 3. During construction, debris shall be removed and disposed of properly, portable toilets shall be provided, work shall be performed between the hours of 7:00am to 5:00pm, and no work shall be done on Sundays or holidays unless approved by the Building Inspector. No stumps or other debris shall be disposed of on site.**
- 4. Applicant shall comply with all bylaws of the Town of Wareham and the approvals and conditions of all Town Boards and Commissions and the Water District.**

5. **Changes in sewage flow and consequent changes in wastewater disposal required by the Wastewater Treatment Facility must be submitted for consideration for site plan modification.**
6. **Inspections for site work construction shall require a minimum of 24 hours' notice prior to the need for backfill or continuation of the work. No such work shall be backfilled or continued without inspection and approval and may require exposing uninspected work for approval if such inspection notice is not received in a timely manner, including the clearing of trees.**
7. **No occupancy permit shall be granted until a final site construction inspection has been made with a report to the Zoning Board of Appeals and Director of Inspectional Services that all work has been completed in accordance with the approved plan and Variance.**
8. **No temporary certificate of occupancy shall be granted until the final security amount has been submitted and approved by the Zoning Board of Appeals.**
9. **The applicant/owner shall request a final inspection in writing to the Zoning Board of Appeals indicating that all site work has been completed in accordance with the approved plans prior to the issuance of a certificate of occupancy by the Inspections Department.**
10. **Lighting will be limited to onsite-directed, shielded fixtures.**
11. **Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Zoning Board of Appeals.**
12. **If substantial use or construction permitted by Special Permit & Variance has not commenced within a) one year from the date of which a copy of this decision is filed with the Town Clerk for the Variance, and b) two years from the date of which a copy of this decision is filed with the Town Clerk for the Special Permit, excluding the amount of time required for an appeal period to expire and the amount of time required to pursue and await the determination of any such appeal, then this Special Permit & Variance shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit & Variance does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.**
13. **Any person aggrieved by this decision of the Zoning Board of Appeals may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk may so certify.**

**14. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and must bear the certification of the Town Clerk that twenty (20) days have elapsed and no appeals have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board.**

**Subject Site**



**Neighborhood Context**

