

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: 43 Marine Ave. LOT: 75 & 76 MAP: 78-1
ZONING DISTRICT: R30
USE REQUESTED: Residential
OWNER OF LAND & BUILDING: Emily A. Heavey & John S. Heavey TEL.# (774) 272-3654
ADDRESS OF OWNER: 70 Rose Point Ave., West Wareham, MA. 02576
PERSON(S) WHO WILL UTILIZE PERMIT: Emily A. Heavey & John S. Heavey
ADDRESS: 70 Rose Point Ave., West Wareham, MA. 02576
DATE: 3/10/21 SIGNATURE: Emily A. Heavey John S. Heavey
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: Heather Bung Date: 3/18/21
Planning/Zoning Dept.: Stanna Raposo Date: 3/18/2021
Application fee paid: 300.00 Check #: 3065 Receipt: _____
Advertising fee paid: 100.00 Check # 3066 Receipt: _____
Abutters fee paid: 177.93 Check # 3067 Receipt: _____

WAREHAM TOWN CLERK
2021 MAR 18 AM 11:50

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: Emily A. Heavey and John S. Heavey

Applicant's Address: 70 Rose Point Ave., West Wareham, MA. 02576

Telephone Number: (774) 272-3654

Cell Phone Number: same as above

Email Address: emily.heavey@yahoo.com

Address of Property/Project: 43 Marine Ave., West Wareham, MA. 02576

Landowner's Name: Emily A. Heavey and John S. Heavey

Owner's Address: 70 Rose Point Ave., West Wareham, MA. 02576

Telephone Number: (774) 272-3654

Contact Person: Margaret A. Ishihara * Telephone Number: 508-295-1570

Map 78-1 Lot 75 and 76 Zone R30

Date Approved _____ Date Denied _____

Comments: * PO Box 71, Wareham, MA. 02576; email: ishiharalaw1@gmail.com

TOWN OF WAREHAM

ZONING BOARD OF APPEALS

CASE NO. : to be assigned
PETITION OF EMILY A. HEAVEY and JOHN S. HEAVEY FOR SPECIAL
PERMIT/VARIANCE

Property address: 43 Marine Ave.
Town of Wareham Assessors Map 78-1 Lots 75 and 76

MEMORANDUM IN SUPPORT OF PETITION OF EMILY A. HEAVEY and JOHN S.
HEAVEY FOR VARIANCE/SPECIAL PERMIT

Introduction

The Heaveys seek a variance/special permit for the construction of a two bedroom single family residence on property located at 43 Marine Ave., Wareham, MA. shown as Town of Wareham Assessors Map 78-1 Lots 75 and 76. A copy of a portion of Wareham Assessors Map 78-1 Lots 75 and 76 is attached as Exhibit "A" to this Memorandum. The property is identified in the Heaveys' deed as Lots 75 and 76 on a Plan entitled "Plan of Section 1 Rose Point Subdivision, Wareham, Mass." surveyed for A.B. Osborne and L. W. Canedy, dated May 10, 1934 and recorded in the Plymouth County Registry of Deeds on November 27, 1939 in Plan Book 6 Page 81. A copy of the subdivision plan is attached as Exhibit "B" to this Memorandum.

The Heaveys propose to site the residence as shown on the attached "Site Plan" prepared for John Heavey dated October 6, 2020. This Site Plan is attached to this Memorandum as Exhibit "C".

Per the Site Plan, the subject property is 8,000 square feet more or less and has 100 feet of frontage on Marine Ave. The Heaveys propose to meet current front, side and rear yard setback requirements for the residence.

Property History

The Heaveys acquired property located at 70 Rose Point Ave., Wareham, MA. on or about September 9, 2002 by deed from Don C. Boisvert and Virginia M. Boisvert dated September 5, 2002 recorded in the Plymouth County Registry of Deeds on September 9, 2002 in Book 22805 Page 346. This property is shown as Town of Wareham Assessors Map 7801 Lots 50 and 51. There was a residence already built at 70 Rose Point Ave and the Heaveys currently live there.

The Heaveys acquired the subject property located a 43 Marine Avenue, Wareham, MA. on or about May 20, 2011 by deed from Mary L. Starvish dated May 17, 2011 recorded in the Plymouth County Registry of Deeds on May 20, 2011 in Book 39949 Page 176. A copy of this deed is attached as Exhibit "D" to this Memorandum. The subject property abuts the 70 Rose Point Avenue property along a boundary line between Lot 76 and Lot 50. At the time that the Heaveys acquired the subject property they received a letter dated December 17, 2004 from the then Director of Inspectional Services to Mary Starvish, that if Lot 75 and Lot 76 were combined they would meet the Small Lot Exemption and meet the requirements of M.G.L. c. 40A Section 6. A copy of this letter is attached as Exhibit "E" to this Memorandum.

Photographs showing the subject property as it currently exists are attached as Exhibits F-1, F-2, F-3, and F-4 and are described as follows:

- F-1 View looking Northerly along westerly property boundary line between Lot 75 and neighbor's Lot 49.. The fence is about 2 feet to the East of the property boundary line.
- F-2 View looking North towards northerly property boundary line of Lot 75.
- F-3 View looking North along property boundary line where it fronts on Marine Ave.
- F-4 View looking West from Lot 76 towards petitioner's house at 70 Rose Point Ave.

Building Permit Application

The Heaveys want to construct the proposed two bedroom single family residence so that Emily Heavey's sister can be moved there in order for Emily Heavey to care for her sister who has many serious health issues and cannot drive. Currently, Emily Heavey's sister lives in another area, and it is very difficult for Emily Heavey to offer such care. The house is proposed to have one living level on an elevated foundation. The Heaveys propose to install a chair lift so that Emily Heavey's sister will be able to access the living level from the ground. Copies of the four elevation views are attached as Exhibit "G" to this Memorandum.

On or about December 2020 the Heavey's through their builder filed an application for a building permit. This permit was denied on or about February 3, 2021 by the Director of Inspectional Services essentially on the grounds that the subject property had merged with the 70 Rose Point Ave property for zoning purposes, and therefore did not meet the current frontage and area dimensional requirements of the Town of Wareham Zoning By-Laws. For information purposes the denial letter is attached as Exhibit "H" to this Memorandum.

Relief Sought

- A. The Heaveys request a variance/special permit to build a second principal residential building on the same site.
- B. Alternatively, the Heaveys request a variance/special permit to construct a new dwelling on an undersized parcel.
- C. The Heaveys meet the requirements for a variance/special permit for the reasons stated below.

Town of Wareham Zoning By-Laws Section 1470 states that:

"The Board of Appeals shall have the power to hear and decide applications for Variances from the provisions of the Zoning By-Laws, including the power to grant a

Variance authorizing a Use or activity not otherwise permitted in the district in which the land or structure is located. A Variance may be granted when factors relating to soil conditions, lot shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a site or location that previously conformed to zoning requirements. An applicant must demonstrate that a literal enforcement of the by law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

1. factors related to soil conditions, lot shape or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a site or location that previously conformed to zoning requirements.

The property if combined with the existing lot/structure at 70 Rose Point Avenue only has a common boundary of 50 feet at the “backyard” of both properties and not for the entire length of the two properties. This lot shape creates an impracticality of locating the proposed structure other than on the subject property. Of note both the subject property and the 70 Rose Point Avenue property have frontage on separate ways.

2. Literal enforcement of the by law would involve substantial hardship, financial or otherwise, to the petitioner.

The Petitioners seeks to build a residence for Emily Heavey’s sister to provide care to her as the next door proximity to the Petitioners would be far less of a financial and time hardship on the Heaveys.

3. desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

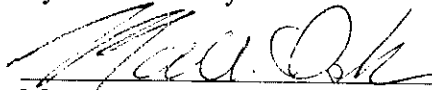
The proposed project is a two bedroom residence which would not create any substantial detriment to the public good because of its modest size. The Heavey’s propose to meet the

current setback requirements of the zoning by laws. Further, the residence already has frontage on an existing way which is separate from the Heaveys existing house and any traffic flow would be minimal. The Heaveys propose to meet the current setback requirements of the zoning by laws so there would be minimal if any increase in congestion in the neighborhood. The proposed residence would be on municipal water and sewer which addresses any environmental concerns. The Town of Wareham Conservation Commission issued a negative determination on November 3, 2020, with the added condition that erosion control, and silt fence shall be installed to contain excavated material on the site so that material does not migrate onto the road.

CONCLUSION

For these reasons, the Petition for Special Permit/Variance should be granted.

RESPECTFULLY SUBMITTED
PETITIONERS
EMILY and JOHN HEAVEY
By their Attorney



Margaret A. Ishihara, BBO#247930
Law Office of Margaret A. Ishihara
2527 Cranberry Highway, Unit D3
PO Box 71
Wareham, MA. 02571

Date: 11 March 2021

MARGARET A. ISHIHARA
LAW OFFICE OF MARGARET A. ISHIHARA
2527 Cranberry Highway, Unit D3
PO BOX 71
WAREHAM, MA. 02571

11 March 2021

Town Clerk
Town of Wareham
Memorial Town Hall
54 Marion Rd.
Wareham, MA. 02571

Re: Petition of Emily A. Heavey and John S. Heavey for Special Permit/Variance, Zoning Board of Appeals, Case no.: to be assigned; Property address: 43 Marine Ave., Town of Wareham Assessors Map 78-1 Lots 75 and 76,

Dear Town Clerk;

Pursuant to Massachusetts General Laws Chapter 40A Section 10, enclosed please find the original and 8 copies of the following documents:

1. Petition for Variance/Special Permit with Applicant/Contractor Representative Information Sheet;
2. Memorandum in Support of Petition of Emily A. Heavey and John S. Heavey for Variance/Special Permit with the following Exhibits:
 - A. Portion of Wareham Assessors Map 78-1 showing lots 75 and 76;
 - B. Plan entitled "Plan of Section 1 Rose Point Subdivision, Wareham, Mass." surveyed for A.B. Osborne and L. W. Canedy, dated May 10, 1934 and recorded in the Plymouth County Registry of Deeds on November 27, 1939 in Plan Book 6 Page 8;.
 - C. Site Plan dated October 6, 2020 showing proposed project;
 - D. Deed from Mary L. Starvish dated May 17, 2011 recorded in the Plymouth County Registry of Deeds on May 20, 2011 in Book 39949 Page 176 [for 43 Marine Ave., the subject property];
 - E. December 17, 2004 letter from Director of Inspectional Services to Mary Starvish;
F-1 through F-4, Photographs:
 - F-1 View looking Northerly along westerly property boundary line between Lot 75 and neighbor's Lot 49.. The fence is about 2 feet to the East of the property boundary line.
 - F-2 View looking North towards northerly property boundary line of Lot 75.

Telephone: (508) 295-1570

email: ishiharalaw1@gmail.com

MARGARET A. ISHIHARA
LAW OFFICE OF MARGARET A. ISHIHARA
2527 Cranberry Highway, Unit D3
PO BOX 71
WAREHAM, MA. 02571

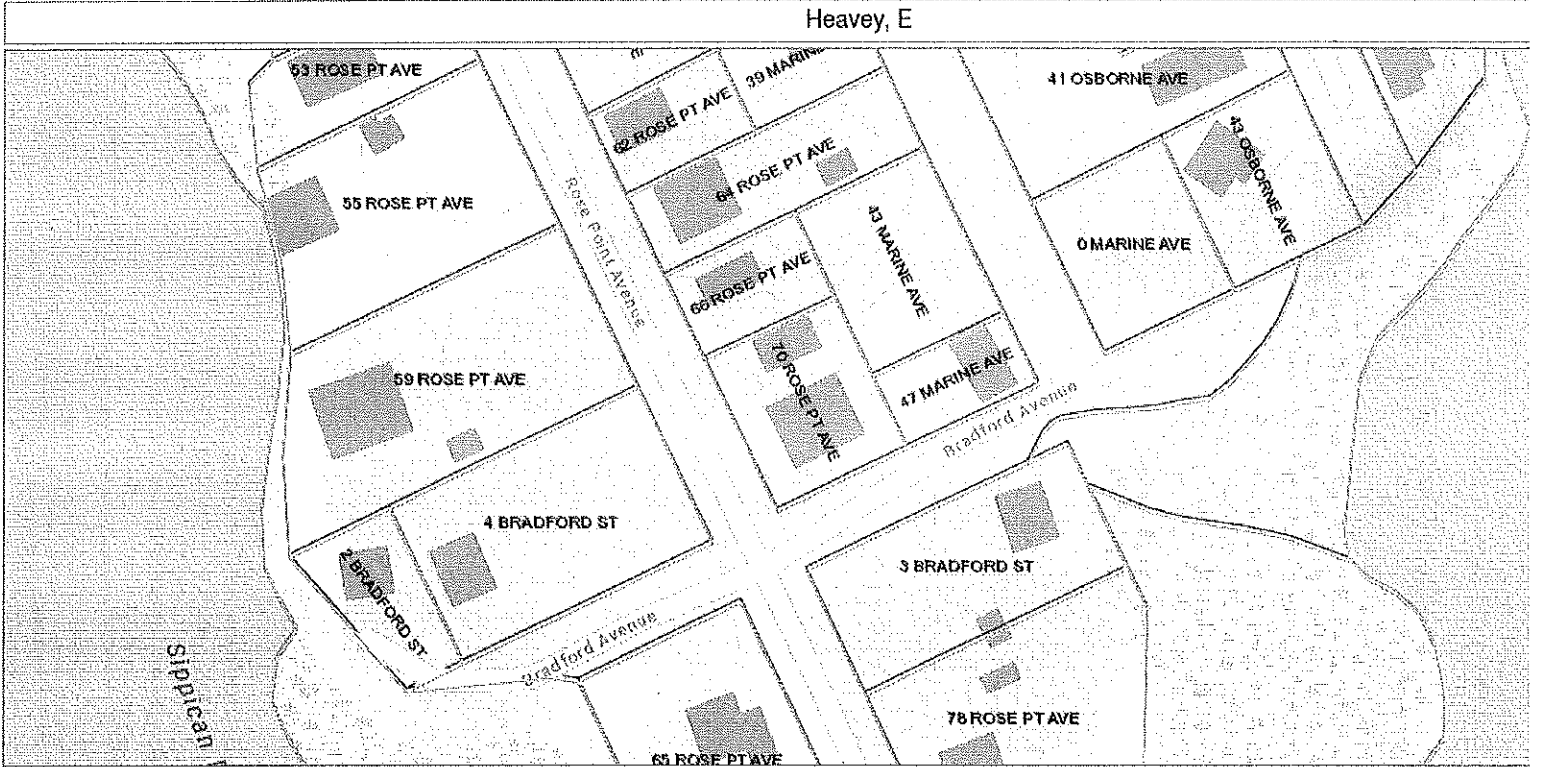
- F-3 View looking North along property boundary line where it fronts on Marine Ave.
 - F-4 View looking West from Lot 76 towards petitioner's house at 70 Rose Point Ave.
 - G. Four elevation views of proposed house;
 - H. February 3, 2021 letter from Director of Inspectional Services to Heaveys.
3. Original full size, signed Site Plan dated October 6, 2020 with digital copy of Site Plan on flash drive;
3. Abutters list from Assessors to be sent by email; and tax form to be provided directly to Zoning Board of Appeals.

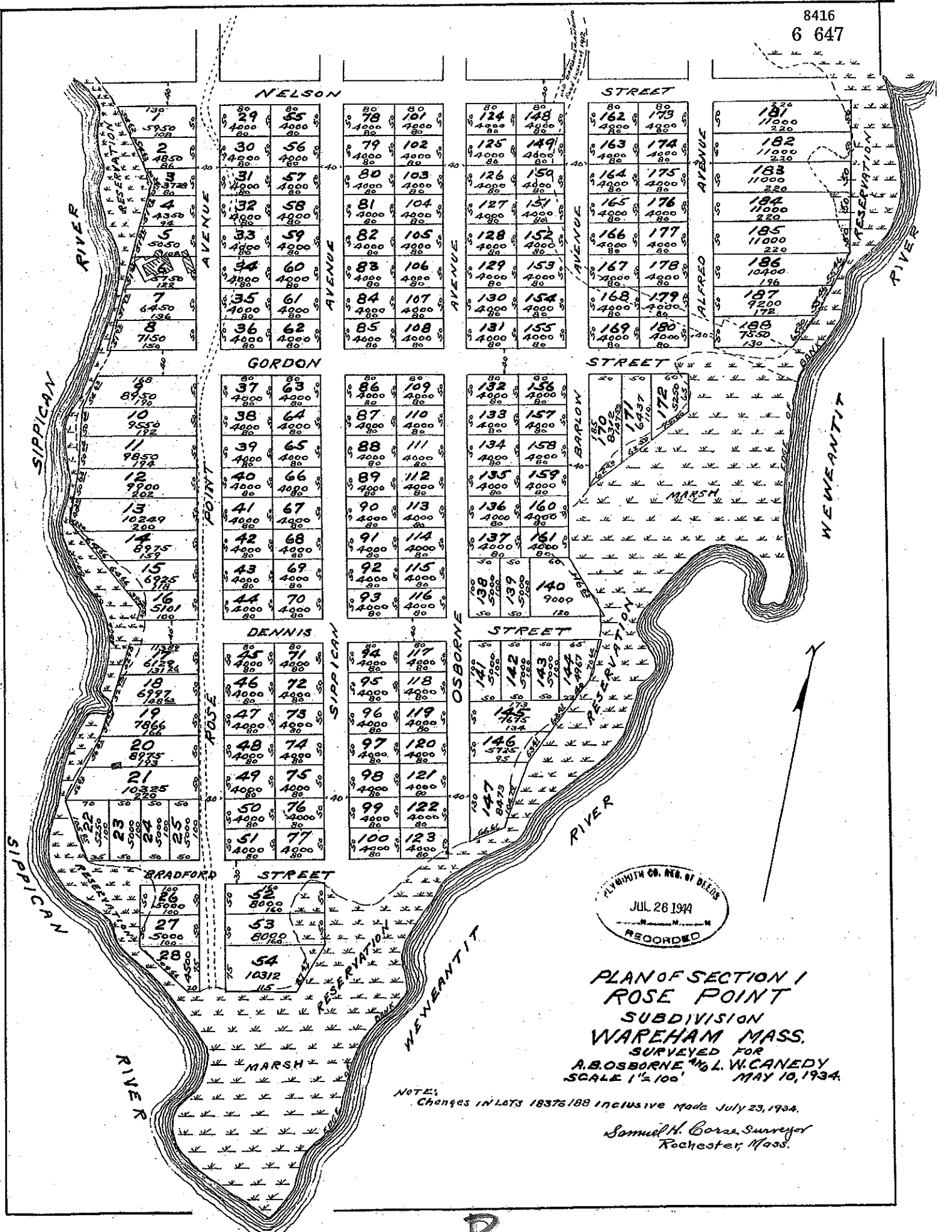
Along with my clients' account check no. _____ in the amount of _____ for the filing fee and certified mailings to abutters, and my check no. _____ in the amount of \$100.00 made payable to Wareham Week.

Very truly yours,


Margaret A. Ishihara

Heavey, E





PLYMOUTH CO. REG. OF DEEDS
JUL 26 1944
RECORDED

PLAN OF SECTION 1
ROSE POINT
SUBDIVISION
WAREHAM MASS.
SURVEYED FOR
A. B. OSBORNE & L. W. CANEDY
SCALE 1" = 100' MAY 10, 1934.

NOTE: Changes in lots 18376/188 inclusive made July 23, 1934.

Samuel H. Corcoran, Surveyor
Rochester, Mass.

B



2011 00039166
Bk: 39949 Pg: 175 Page: 1 of 2
Recorded: 05/20/2011 10:44 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

CANCELLED

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 05/20/2011 10:44 AM
Ctrl# 049387 21764 Doc# 00039166
Fee: \$228.00 Cons: \$50,000.00

QUITCLAIM DEED

I, **Mary L. Starvish**, now of 1415 10th Manor, Vero Beach, Florida, 32960

for consideration paid, and in full consideration of Fifty Thousand (\$50,000.00) Dollars,

grant to ^{S.}John ~~Heavey~~ and ^{A. Heavey}Emily ~~Heavy~~, being married, of 85 Sylvan Road, Whitinsville, Massachusetts, 01588, as tenants by the entirety,

with *quitclaim covenants*

That certain parcel of land in Wareham, Plymouth County, Massachusetts, shown as Lots 75 and 76 on a plan of Section 1, Rose Point Subdivision Wareham, Mass., made by Samuel H. Corse, Surveyor, of Rochester, Mass., duly recorded at the Plymouth County Registry of Deeds in Plan Book 6, Page 647, to which reference may be had for a more particular description.

Together with a right of way from Blackmore Pond Road and privileges with others entitled thereto in the Reservation as shown on said Plan.

Together with and subject to a water betterment assessment recorded with the Plymouth County Registry of Deeds in Book 32351, Page 194.

Together with and subject to a sewer betterment assessment recorded with the Plymouth County Registry of Deeds in Book 35422, Page 44.

Subject to a water utility easement recorded with the Plymouth County Registry of Deeds in Book 30680, Page 274.

Subject to a sewer utility easement recorded with the Plymouth County Registry of Deeds in Book 30788, Page 271.

Meaning, intending and hereby conveying the same premises conveyed to this Grantor by deed of Eugene Starvish, dated August 26, 1991 and recorded at the Plymouth County Registry of Deeds in Book 10453, Page 37.

Witness my hand and seal this 17th day of May, 2011.

Mary L. Starvish

Mary L. Starvish

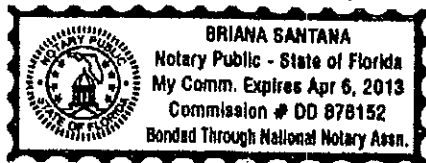
D

Property Address: 43 Marine Avenue, Wareham, MA 02571

State of Florida

County of Indian River

On this 17th day of May, 2011, before me, the undersigned notary public, personally appeared **Mary L. Starvish**, proved to me through satisfactory evidence of identification, which was () photographic identification with signature issued by a federal or state government agency, () oath or affirmation of a credible witness, or () personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose.



Briana Santana
Notary Public

My Commission Expires: April 6, 2013

(*Individual -- Joint Tenants -- Tenants in Common.)

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.



TOWN OF WAREHAM
54 MARION ROAD
WAREHAM, MASSACHUSETTS 02571

INSPECTIONAL SERVICES
(508) 291-3100, Ext. 3194

Date: December 17, 2004

Ms. Mary Starvish
1415-10th Manor
Vero Beach, FL 329060

Dear Ms. Starvish;

I have reviewed your application for a Small Lot Exemption on Lots 75 & 76 of Assessors Map 78-1.

Based on the information I have it is my opinion that these lots if combined do meet the requirements of Chapter 40A M.G.L. Sec. 6

If you have any questions you may contact me.

Sincerely,

Theodore Misiaszek
Director of Inspectional Services

TM/sms

cc: Assessors Department

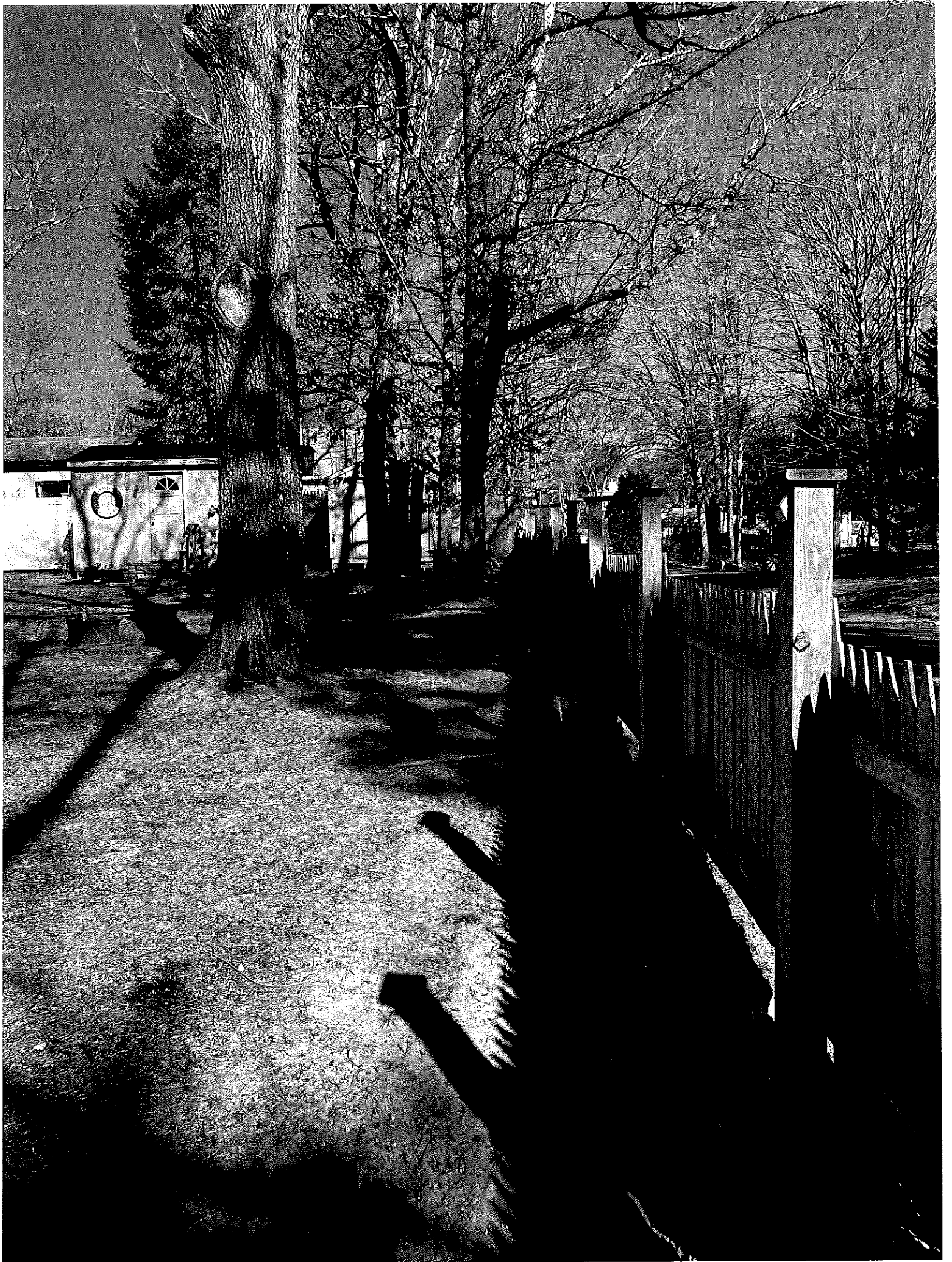
*VPHELD
DM
6/22/20*

E

FILE COPY

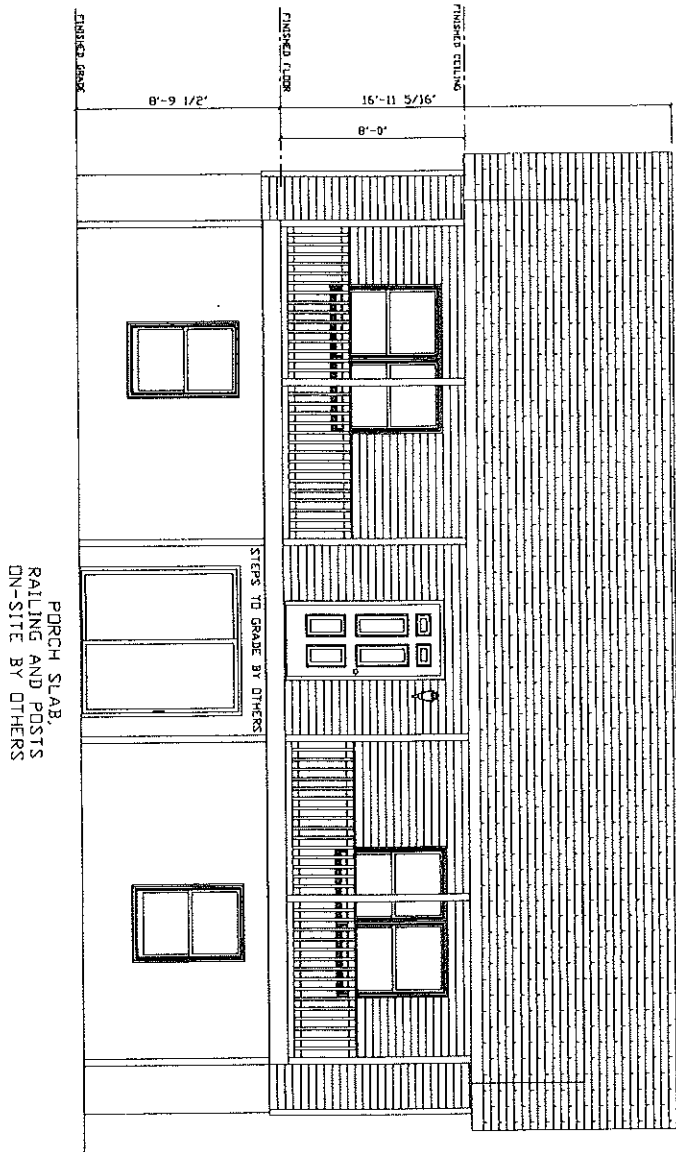








5



PORCH SLAB,
RAILING AND POSTS
DN-SITE BY OTHERS

NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

THESE PLANS HAVE BEEN EXTRACTED FROM APPROVED BUILDING PERMITS

MA CERTIFICATION FOR MODULARS
YES NO

THE FOLLOWING ELEMENTS OF CERTIFICATION REQUIRED BY THE MANUFACTURER TO EXCLUDE EACH HOME ARE AS FOLLOWS:
1) FOUNDATION FOR PERMANENTLY SITED PERMANENT FOUNDATION
2) DESIGN TO BE MOVED ONCE INSTALLED
3) DESIGN AND MANUFACTURED TO COMPLY WITH NATIONALLY RECOGNIZED MODEL BUILDING CODE OR EQUIVALENT TO BUILDING CODES FOR DN-SITE HOUSING OR WITH MINIMUM PRESENT STANDARDS ACT AND BY THE SECRETARY CONSULTANT
4) TO THE MANUFACTURER'S KNOWLEDGE IS NOT INTENDED TO BE USED OTHER THAN ON A SITE-BUILT PERMANENT FOUNDATION.

QN-17274/JN-70035/MA

MASS FRAMING CORP./HEAVEY

BUILDING LOCATION:
43 MARINE AVE
WAREHAM, MA 02576
PLYMOUTH COUNTY

SEISMIC DESIGN CATEGORY:
B

2840 CUSSTOM RANCH
FRONT ELEVATION

SNOW ZONE: 25 PSF WIND ZONE: 138 MPH VULT

WIND LOAD: 30 PSF

SCALE: 1/8" = 1'-0"

LAYER: FRONT

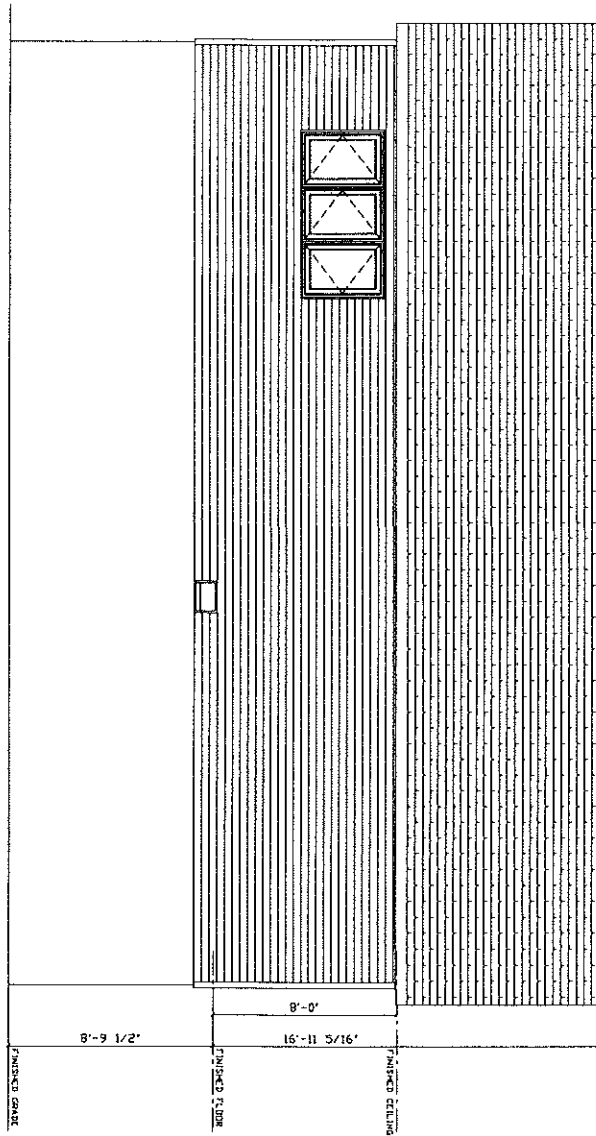
FILE NO: A17274(02)



THE PEAK OF PERFECTION
APEX HOMES of PA, LLC.
7179 ROUTE 582
MIDDLEBURG, PA 17842
PHONE: (570) 837-2338

STAGE	DATE	DRAWN BY
PRELIM	8/21/20	KND
REV. PRELIM	9/21/20	HS
REV. PRELIM	9/22/20	HS
FINAL	10/12/20	MS
-	-	-
-	-	-
-	-	-
-	-	-

5



THESE PLANS HAVE BEEN EXTRACTED FROM APPROVED

NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

QN-17274/JN-70035/MA



APEX
THE PEAK OF PERFECTION
HOMES of PA, LLC.
 7172 ROUTE 522
 MIDDLEBURG, PA 17042
 PHONE: (570) 837-2333

STAGE	DATE	DRAWN BY
PRELIM	8/21/20	KND
REV. PRELIM	9/21/20	MS
REV. PRELIM	9/22/20	MS
FINAL	10/12/20	MS
-	-	-
-	-	-
-	-	-
-	-	-

MASS FRAMING CORP./HEAVEY

BUILDING LOCATION:
 43 MARINE AVE
 WAREHAM, MA 02576
 PLYMOUTH COUNTY

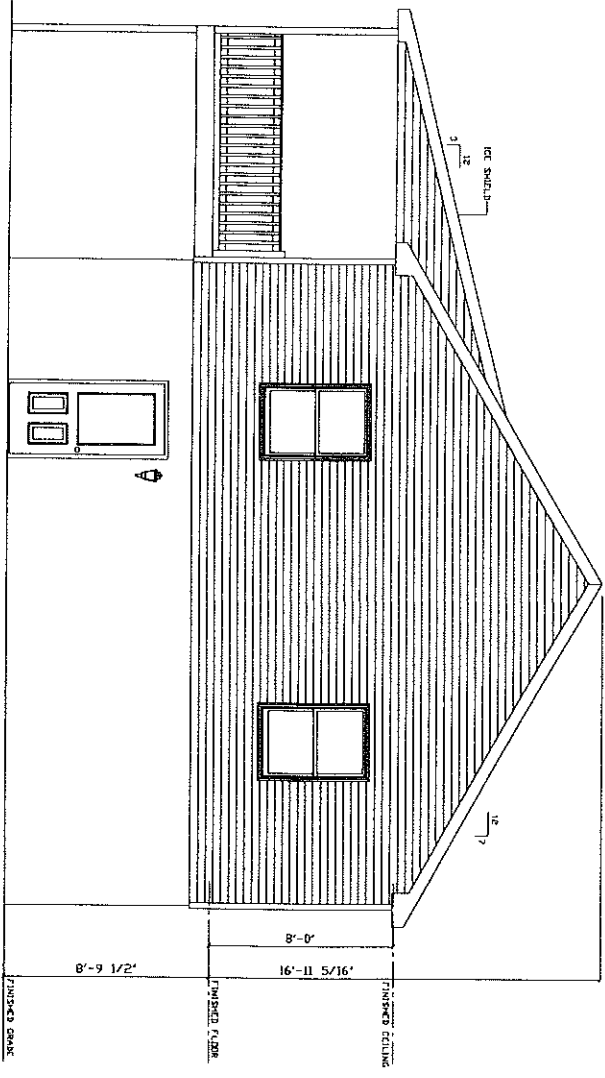
SEISMIC DESIGN CATEGORY:
 B

2840 CUSSTOM RANCH
 REAR ELEVATION

SNOW ZONE: 25 PSF	WIND ZONE: 138 MPH VULT	WIND LOAD: 30 PSF	SCALE: 1/8" = 1'-0"	LAYER: REAR	FILE NO: A17274(02)
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5

PORCH SLAB,
RAILING AND POSTS
ON-SITE BY OTHERS



THESE PLANS HAVE BEEN EXTRACTED FROM APPROVED BUILDING SYSTEMS FILED WITH THE STATE

NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

QN-17274/JN-70035/MA

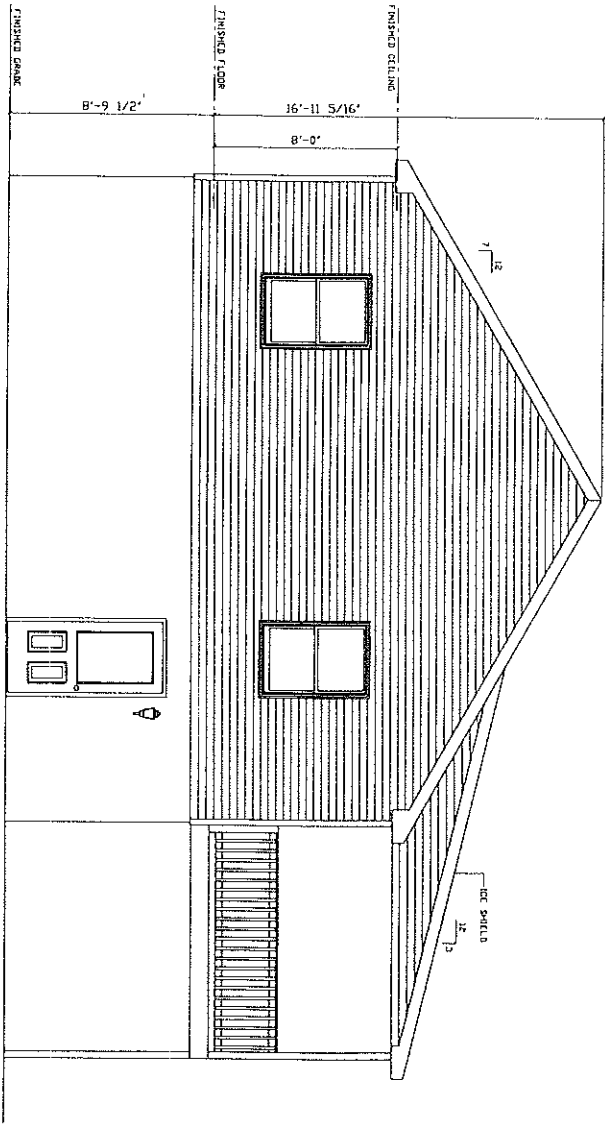


APEX
HOMES OF PA, LLC.
THE PEAK OF PERFECTION
7172 ROUTE 522
MIDDLEBURG, PA 17042
PHONE: (570) 837-2333

STAGE	DATE	DRAWN BY
PRELIM	8/21/20	KND
REV. PRELIM	9/21/20	MS
REV. PRELIM	9/22/20	MS
FINAL	10/12/20	MS
-	-	-
-	-	-
-	-	-
-	-	-

MASS FRAMING CORP./HEAVEY			
BUILDING LOCATION: 43 MARINE AVE WAREHAM, MA 02576 PLYMOUTH COUNTY		SEISMIC DESIGN CATEGORY: B	2840 CUSSTOM RANCH RIGHT SIDE ELEVATION
SNOW ZONE: 25 PSF	WIND ZONE: 138 MPH VULT	WIND LOAD: 30 PSF	SCALE: 1/8" = 1'-0"
		LAYER: RIGHT	FILE NO: A17274(02)

5



THESE PLANS HAVE BEEN EXAMINED FROM A PROFESSIONAL ARCHITECT'S POINT OF VIEW AND FOUND TO BE IN ACCORDANCE WITH THE BUILDING SYSTEMS FILED WITH THE STATE.

PORCH SLAB,
RAILING AND POSTS
ON-SITE BY OTHERS

NOTE: ACTUAL HOUSE MAY VARY FROM ELEVATION

QN-17274 / JN-70035/MA



THE PRAK OF PERFECTION
APEX HOMES of PA, LLC.
7172 ROUTE 522
MIDDLESBURG, PA 17042
PHONE: (570) 837-2333

STAGE	DATE	DRAWN BY
PRELIM	8/21/20	KND
REV. PRELIM	9/21/20	MS
REV. PRELIM	9/22/20	MS
FINAL	10/12/20	MS
-	-	-
-	-	-
-	-	-
-	-	-

MASS FRAMING CORP./HEAVEY		SEISMIC DESIGN CATEGORY: B		2840 CUSSTOM RANCH LEFT SIDE ELEVATION	
BUILDING LOCATION: 43 MARINE AVE WAREHAM, MA 02576 PLYMOUTH COUNTY		WIND LOAD: 30 PSF	SCALE: 1/8" = 1'-0"	LAYER: LEFT	FILE NO: A17274(02)
SNOW ZONE: 25 PSF	WIND ZONE: 138 MPH VULT				



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

John & Emily Heavey
70 Rose Point Ave
Wareham, MA 02571

February 3, 2021

RE: 43 Marine Ave.

Map # 78-1, Lot # 75

I have reviewed your building permit application to construct a new dwelling on lot # 75 of Assessors map # 78-1; otherwise known as 43 Marine Ave. The proposal is not in compliance with zoning regulations for the R-30 zoning district and must be denied at this time

43 Marine Avenue does not meet the current dimensional requirements for a buildable lot in the R-30 zoning district. Prior to your acquisition, it was a protected (Grandfathered) lot under M.G.L.; however, that protection became invalid the moment you transferred the property deed into your name.

You own, and currently reside at 70 Rose Point Avenue which directly abuts this parcel. Both properties are lacking the land area and frontage required to comply with current regulations and the land on Marine Avenue is currently vacant. Under the Massachusetts Merger Doctrine, both properties must be considered on lot for zoning purposes.

You may either: request permission to construct a new dwelling on this undersized parcel (§621), request a second principal residential building on the same site (§613), or you can request an accessory apartment (§330) which would be attached to or within the existing principal residential structure. Each of the individual options mentioned above would require a Variance from the Zoning Board of Appeals.

The submitted permit application which includes a site plan by G.A.F. Engineering labeled "Job no 20-9493" comprised of one page dated October 6, 2020, is being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 621, Residential Districts**, Buildable lots in the R-30 zoning district are required to have 30,000 square feet and 150' of frontage for single family construction.

H

The subject dwelling is located in the R-30 zoning district.

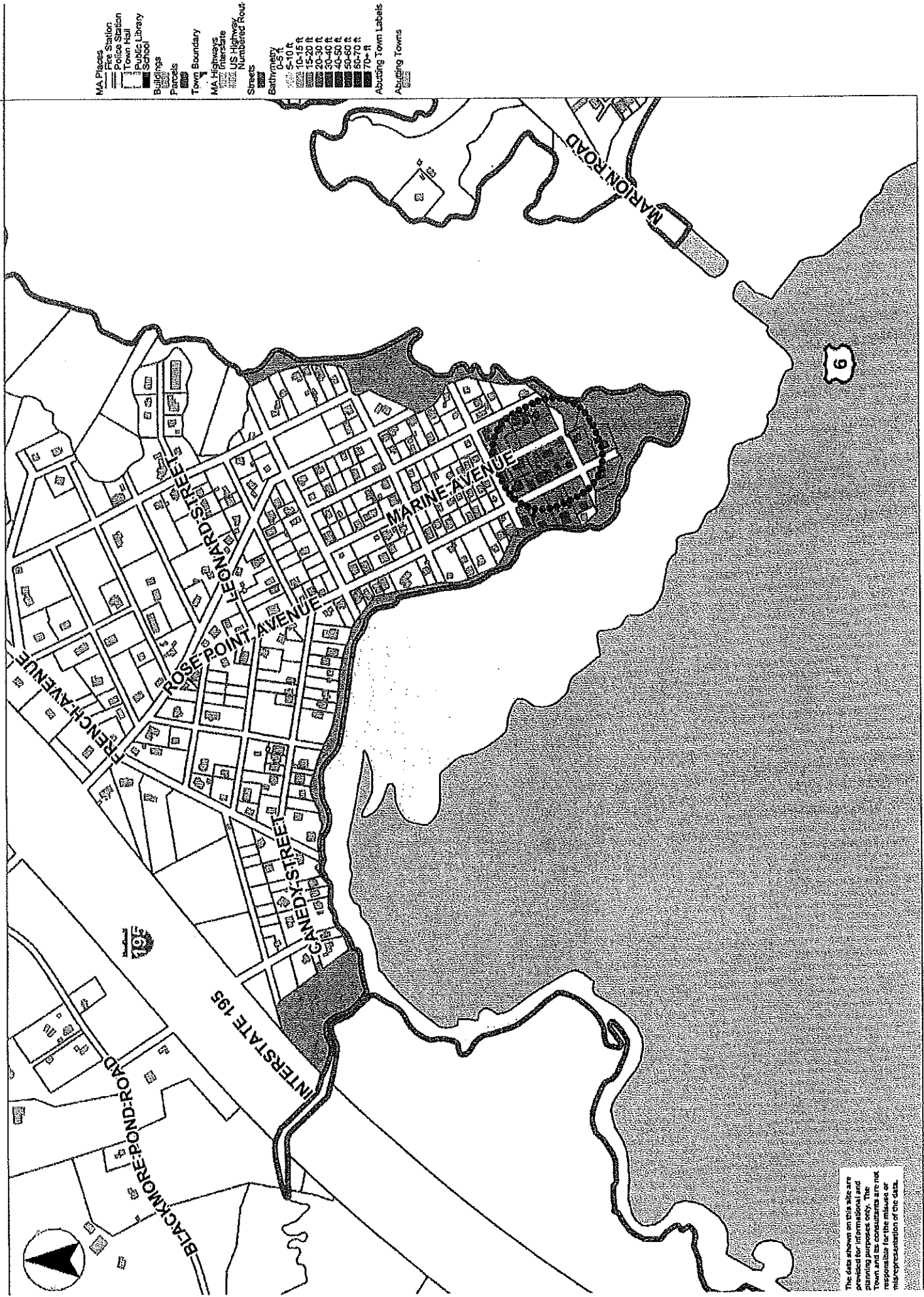
Respectfully,

David Riquinha
Building Commissioner
Zoning Enforcement Officer

It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. 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.

H



CURRENT OWNER		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT		Assessed	
HEAVEY JOHN S								Code		Assessed	
HEAVEY EMILY A								1310		36,100	
70 ROSE PT AVE										36,100	
W WAREHAM MA 02576		SUPPLEMENTAL DATA		Plan #		76				Assessed	
		Total Ac 0.18		Assoc. Parcels						36,100	
		District S.C.E. 11		Assoc Pld#						36,100	
		GIS ID M_262364_832449								36,100	
		AIR Pct ID								36,100	

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		QU / VI		SALE PRICE		VC		PREVIOUS ASSESSMENTS (HISTORY)	
HEAVEY JOHN S		39949 0175		05-20-2011		U I		50,000		1T		Year Code Assessed Year Code Assessed V Year Code Assessed	
STARVISH MARY L		10453 0037		01-01-1901		U		1				2021 1310 36,100 2020 1310 36,100 2019 1310 33,900	
		Total										Total 36100 Total 36100 Total 33900	

EXEMPTIONS

Year	Code	Description	Amount	Number	Amount	Comm Int
			0.00			

OTHER ASSESSMENTS		ASSESSING NEIGHBORHOOD	
Nbrhd	0040	Description	Tracing
Total		0.00	

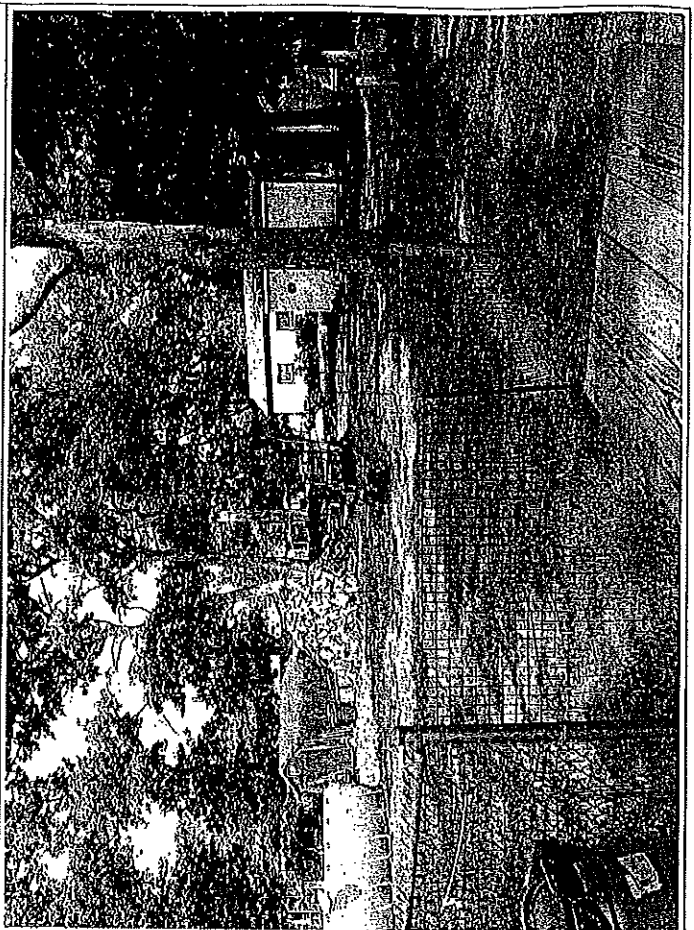
NOTES
 76 IF COMBINED DO MEET
 REQ OF CH 40A
 INCLUDE LOT 76
 78-1175
 PER BD 12/17/04 LOTS 75&

APPRaised VALUE SUMMARY		APPRaised VALUE SUMMARY	
Appraised Bldg. Value (Card)	0	Appraised Bldg. Value (Card)	0
Appraised Xf (B) Value (Bldg)	0	Appraised Xf (B) Value (Bldg)	0
Appraised Ob (B) Value (Bldg)	0	Appraised Ob (B) Value (Bldg)	0
Appraised Land Value (Bldg)	36,100	Appraised Land Value (Bldg)	36,100
Special Land Value	0	Special Land Value	0
Total Appraised Parcel Value	36,100	Total Appraised Parcel Value	36,100

BUILDING PERMIT RECORD		VISIT / CHANGE HISTORY	
Permit id	Issue Date	Type	Description
	07-20-2017	JAB	Measur/Vacant Boarded u

LAND LINE VALUATION SECTION		LAND LINE VALUATION SECTION																				
B#	Use Cod	Description	Zone	D	Front	Depth	Land Units	Unit Price	I. Factor	S.A	AcreD	CFact	St.idx	Adj.	Notes	Special Pricing	S_AdjF	Adj Unit	Land Value			
1	1310	RES ACLNPO	R30	1	0	0	8,000	SF	9.5	1.00000	5	1.000	0.50	0040	0.95		0	1.00000		36,100		
Total Card Land Units															0.184	AC	Parcel Total Land Area		0.1837	Total Land Value		36,100

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)									
Element	Cd	Element	Description								
Style:	99										
Model	00										
Grade:											
Stories:											
Occupancy											
Exterior Wall 1											
Exterior Wall 2											
Roof Structure:											
Roof Cover											
Interior Wall 1											
Interior Wall 2											
Interior Fir 1											
Interior Fir 2											
Heat Fuel											
Heat Type:											
AC Type:											
Total Bedrooms											
Total Bthrms:											
Total Half Baths											
Total Xtra Fixtrs											
Total Rooms:											
Bath Style:											
Kitchen Style:											
# of Fireplaces											
Fireplace Type											
Finish Bsmt SF											
Fin Bsmt Qual											
CONDO DATA											
Parcel Id	C	Ownr	0.0								
Adjust Type	B	Description	S								
Condo Flr											
Condo Unit											
COST / MARKET VALUATION											
Building Value New			0								
Year Built			0								
Effective Year Built			0								
Depreciation Code											
Remodel Rating											
Year Remodeled											
Depreciation %											
Functional Obsol			0								
External Obsol			0								
Trend Factor			1								
Condition											
Condition %			0								
Percent Good			0								
RCNLD											
Dep % Ovr											
Misc Imp Ovr											
Misc Imp Ovr Comment											
Cost to Cure Ovr											
Cost to Cure Ovr Comment											
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	Lib	Units	Unit Price	Yr Bilt	Cond.	Cd	% Gd	Grade	Grade Adj.	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION											
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value					
	Ttl Gross Liv / Lease Area	0	0	0							



No Sketch