

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: 8 Angel Cove Way LOT: 1028 MAP: 43
ZONING DISTRICT: MR 30
USE REQUESTED: Kennel License
OWNER OF LAND & BUILDING: Arthur W. Lapham TEL.# DENNIS J. CONRY 508-295-7540
ADDRESS OF OWNER: 8 Angel Cove Way, Wareham MA 02571
PERSON(S) WHO WILL UTILIZE PERMIT: Arthur W. Lapham
ADDRESS: c/o DENNIS J. CONRY, Esq., 245 Main St., Wareham MA 02571
DATE: Aug 25, 2021 SIGNATURE: Dennis J. Conry
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector: Brigitte Benoit Date: 9/1/21
Planning/Zoning Dept.: Nona Raposo Date: 9/14/21
Application fee paid: 300.00 Check #: 11438 Receipt: _____
Advertising fee paid: 100.00 Check #: 11440 Receipt: _____
Abutters fee paid: 45.03 Check #: 11439 Receipt: _____

WAREHAM TOWN CLERK
2021 SEP 14 PM 4:28

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: Arthur W. Lapham

Applicant's Address: 8 Angel Cove Way, Wareham, MA 02571

Telephone Number: _____

Cell Phone Number: 508-837-9090

Email Address: parmeladavol@gmail.com

Address of Property/Project: 8 Angel Cove Way

Landowner's Name: Arthur W. Lapham

Owner's Address: 8 Angel Cove Way, Wareham, MA 02571

Telephone Number: _____

Contact Person: Atty. Dennis J. Conry Telephone Number: 508-295-7540

Map 43 Lot 1028 Zone MR 30

Date Approved _____ Date Denied _____

Comments: _____

**STATEMENT OF EXISTING CONDITIONS,
PROPOSED INTENTIONS, AND USE OF THE PARCEL**

Arthur and Pamela Lapham reside at 8 Angel Cove Way, Wareham, MA, where the parties are currently residing with their 7 dogs. Arthur and Pamela Lapham moved into the single-family residence at 8 Angel Cove Way with their 7 dogs when they purchased the property on December 14, 2019. The property at 8 Angel Cove Way consists of a single-family residence and a detached 2-car garage situated on a 2-acre lot (see attached photographs).

Shortly after purchasing the property in December of 2019, Arthur and Pamela attempted to obtain licenses for each of their 7 dogs at the Wareham Town Clerk's Office. Arthur and Pamela were informed that they could license the dogs for the current year but they would need to obtain a special permit to operate an animal kennel at 8 Angel Cove Way. Upon further inquiry of the Building Department, the Zoning Enforcement Officer provided a letter dated July 27, 2021, stating that the Laphams would be required to apply for a special permit from the Zoning Board of Appeals for a kennel license in order to house more than 3 dogs in their home.

The Laphams are not seeking permission to build any structure outside of their residence which would house the dogs. In addition, the Laphams are not requesting any permission to house any dogs that they do not own. The Laphams only want to be able to house their dogs in their home, for which activity the Building Department has determined that they need to apply for and obtain permission to establish an animal kennel at 8 Angel Cove Way.

Section 1460 of the Zoning Bylaw sets forth the conditions that must be met before the issuance of a special permit. The conditions that must be met are as follows:

1. The Use as developed will not adversely affect the neighborhood.
2. The specific site is an appropriate location for such a Use, structure, or condition.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed Use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds, or saltwater embayments.
5. The Use and structure as proposed does not pose a substantial detriment to the town or neighborhood in which it is proposed.
6. The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-law.

The Applicants submit that their property and their proposed use of their house as a kennel to house their personal dogs meet all of the above conditions. Therefore, the Applicants request that the Board of Appeals issue a special permit to allow the use of their house to harbor and care for more than 3 dogs for more than 3 months as provided in Article 340.2.



275±

100' ±

202' ±

EDGE OF WATER

RIGHT OF WAY PER PLAN #652 OF 1955

26' x 32' Garage

10' x 17'

EXIST. HSE.
DECK

EDGE OF WATER

154' ±

1.6 ACRES ±

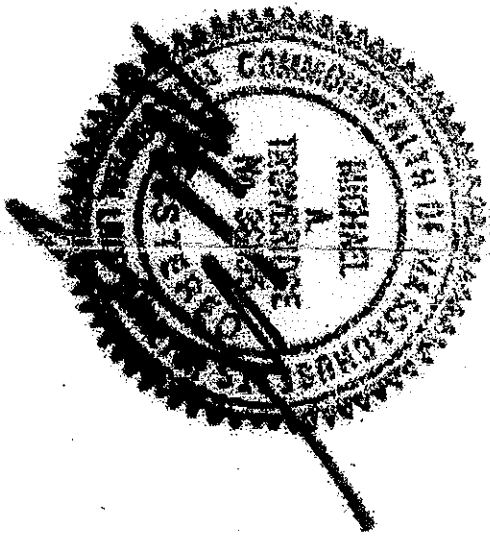
284' ±

NOT CONSTRUCTED

ANGEL COVE WAY

222' ±

100' ±



Brownbridge
BROWNBRIDGE associates, inc.

Engineers—Surveyors—Land Planners
200 Chauncy Street, Mansfield
(508) 339-2713

CANCELLED

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 12/16/2019 04:00 PM
Ctrl# 131174 00123 Doc# 00110250
Fee: \$2,289.12 Cons: \$502,000.00



Bk: 52102 Pg: 120 Page: 1 of 2
Recorded: 12/16/2019 04:00 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS QUITCLAIM DEED

We, Joseph A. Lopes and Deborah E. Lopes, of 8 Angel Cove Way, Wareham, Plymouth, Massachusetts 02571, for consideration paid and in full consideration of Five Hundred Two Thousand and XX/100 (\$502,000.00) Dollars, hereby grant to Arthur W. Lapham, now of 8 Angel Cove Way, Wareham, Plymouth, Massachusetts 02571,

with quitclaim covenants

Parcel One:

Beginning at the northwesterly corner bound of land, now or formerly by Wallace and Madeline G. Seaver; thence; North 13 degrees 45' West, a distance of 100.00 feet to a corner bound; thence in a line of Effie Marie Lechter, now or formerly, South 85 degrees West, a distance of 264.00 feet to a corner bound; thence South 15 degrees East, a distance of 100.0 feet to a corner bound; and thence Northeast 85 degrees in land now or formerly of Oscar F. Perry and said Seavers, to the point of beginning. Said parcel

Parcel Two:

A certain parcel of land situated in East Wareham on the Northerly side of the Agawam River adjoining land of the New Bedford & Agawam Fishing Company and running by their land North 13 degrees 45' West through a stone bound on the bank of said River, 202.00 feet; thence by remaining land now or formerly of Hannah F. Rogers et ali, South 64 degrees 30' West, 264.00 feet and South 41 degrees East, 222.00 feet to said Agawam River; thence by said River upstream, 154.00 feet more or less to the point of beginning. Said parcel two contains one acre more or less.

Parcel Three:

The land with the buildings thereon in East Wareham bounded and described as follows: Beginning at a point in the Northeasterly corner of the conveyed premises and in line, now or formerly, with land of Oscar F. Perry and the New Bedford Agawam Finishing Company; thence following said line, North 13 degrees 45' West, a distance of 114.00 feet to a corner of bound; thence running South 64 degrees 30' West in line of the heirs of Hannah Weston, now or formerly, a distance of 83.00 feet to a corner; thence South 26 degrees East, a distance of 80.00 feet to a stake for a corner; thence South 62 degrees East, a distance of 22.00 feet to a stake for a corner; thence North 82 degrees East, a distance of 47.00 feet to the point of beginning. Said parcel contains about 28 Square rods more or less.

Together with the rights, privileges and easements connected therewith and subject to restrictions of record.

Subject to a utility easement recorded with Plymouth Registry of Deeds at Book 2480, Page 377.

Subject to a Natural Resources Restriction recorded with said Registry of Deeds at Book 3743, Page 726.

For reference see my title, see Deed of Robert Schmidt and Whitney Beers Schmidt to us dated April 12, 2010, and recorded with the Plymouth County Registry of Deeds at Book 38417 at Page 77 on April 13, 2010.

Property Address: 8 Angel Cove Way, Wareham, Massachusetts 02571

Maell Law Office of John M. Crum Jr.
267 Purple Street
Fall River MA 02720-2229

We further state that no other person or entity is presently entitled to homestead rights in the premises and hereby release and terminate any and all estates of homestead in and to the property conveyed herein whether created automatically by operation of law or by a written declaration that is recorded.

Witness our hand and seal on this the 14 day of December 2019.

Joseph A. Lopes
Joseph A. Lopes

Deborah E. Lopes
Deborah E. Lopes



COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

On this the 14 day of December 2019, before me, the undersigned, personally appeared Joseph A. Lopes, proved to me through satisfactory evidence of identification, which was a () Massachusetts Driver's License, or (_____), to be the person whose name is signed on the preceding or attached document, acknowledged to me that he signed it voluntarily and for its stated purpose.

Brian Mullen
Notary Public
(Printed Name) BRIAN MULLEN
My commission Expires on 4/25/25



COMMONWEALTH OF MASSACHUSETTS

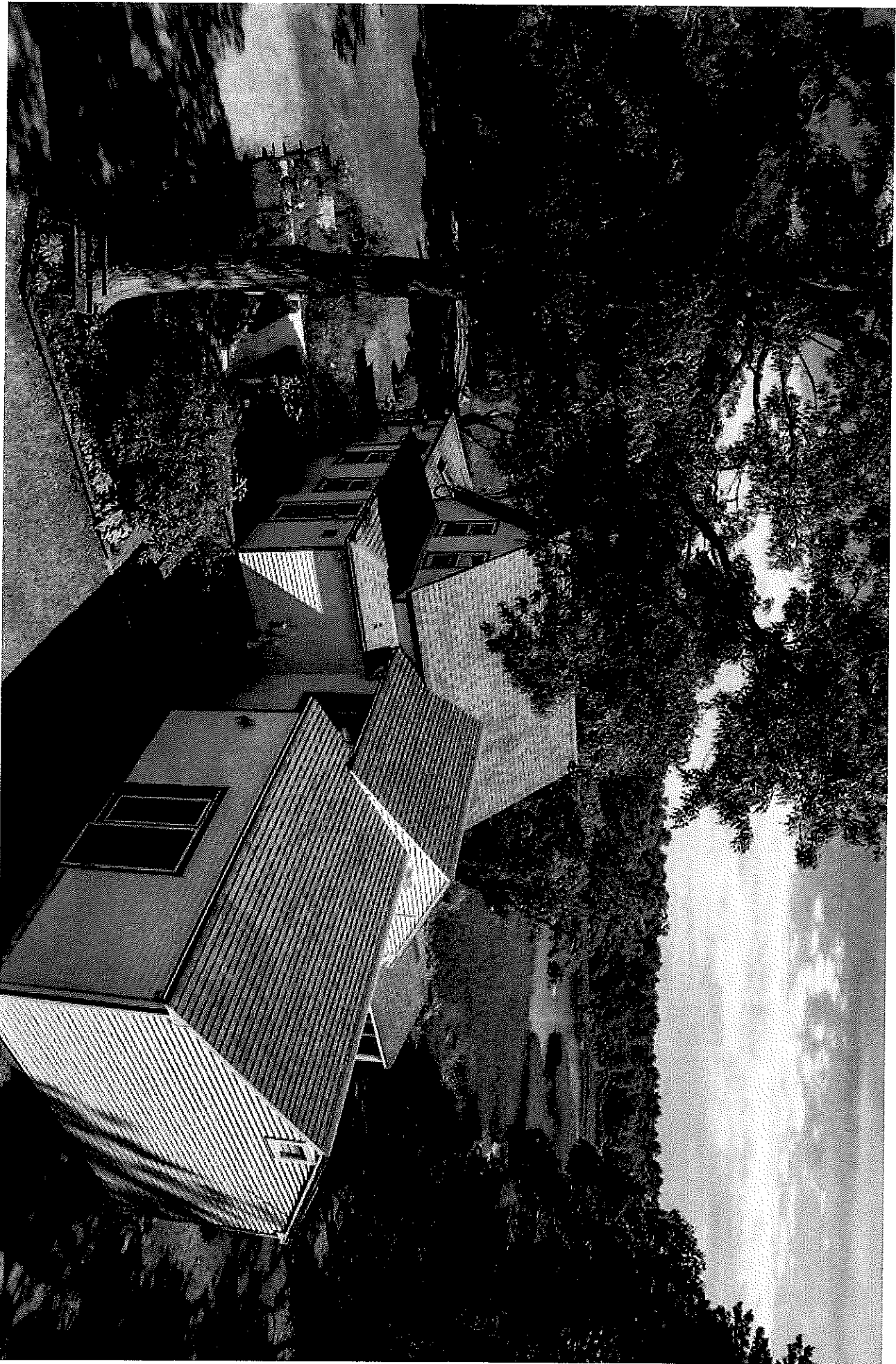
PLYMOUTH, ss.

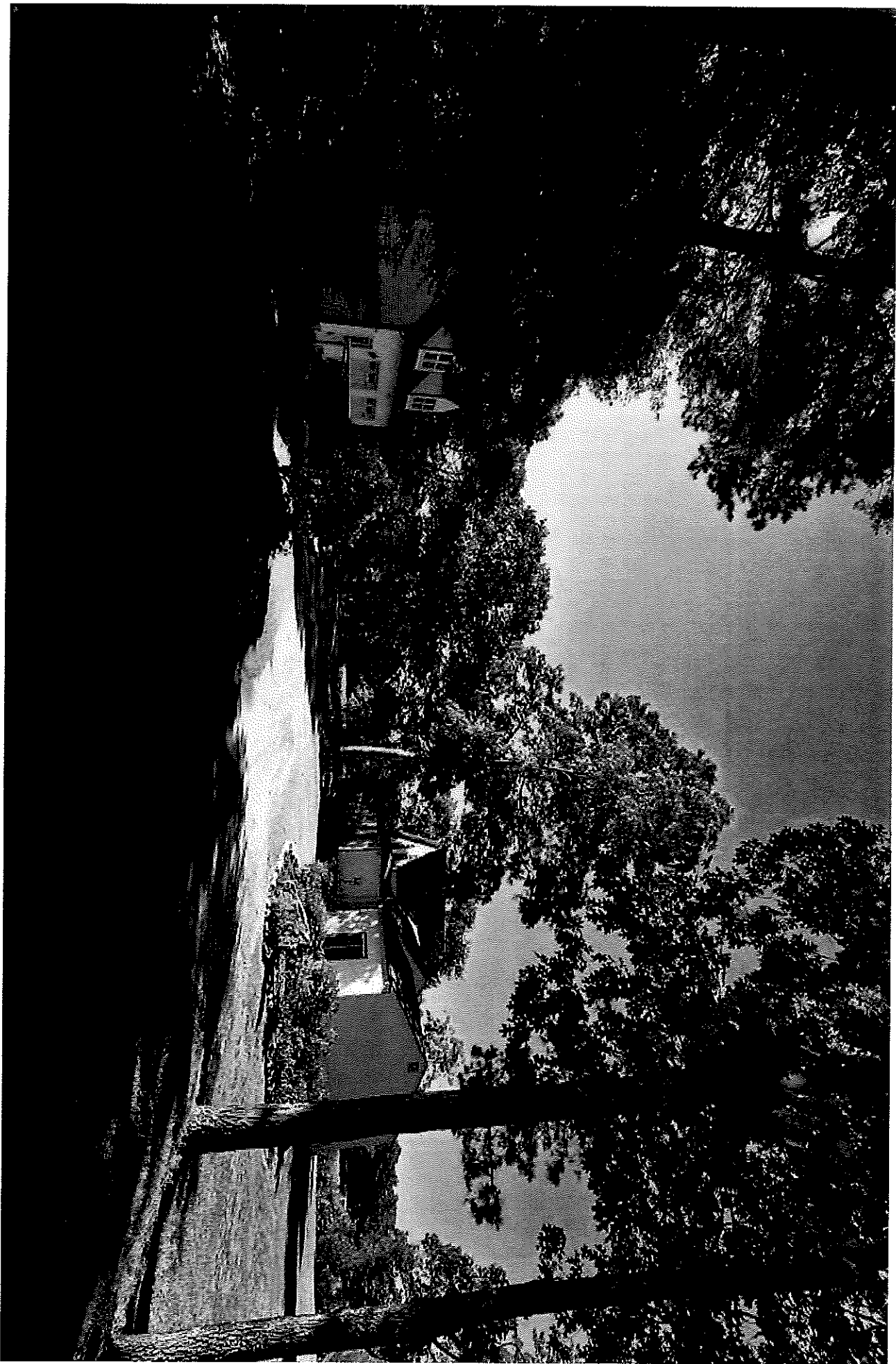
On this the 14 day of December 2019, before me, the undersigned, personally appeared Deborah E. Lopes, and proved to me through satisfactory evidence of identification, which was a () Massachusetts Driver's License, or (_____), to be the person whose name is signed on the preceding or attached document, acknowledged to me that she signed it voluntarily and for its stated purpose.

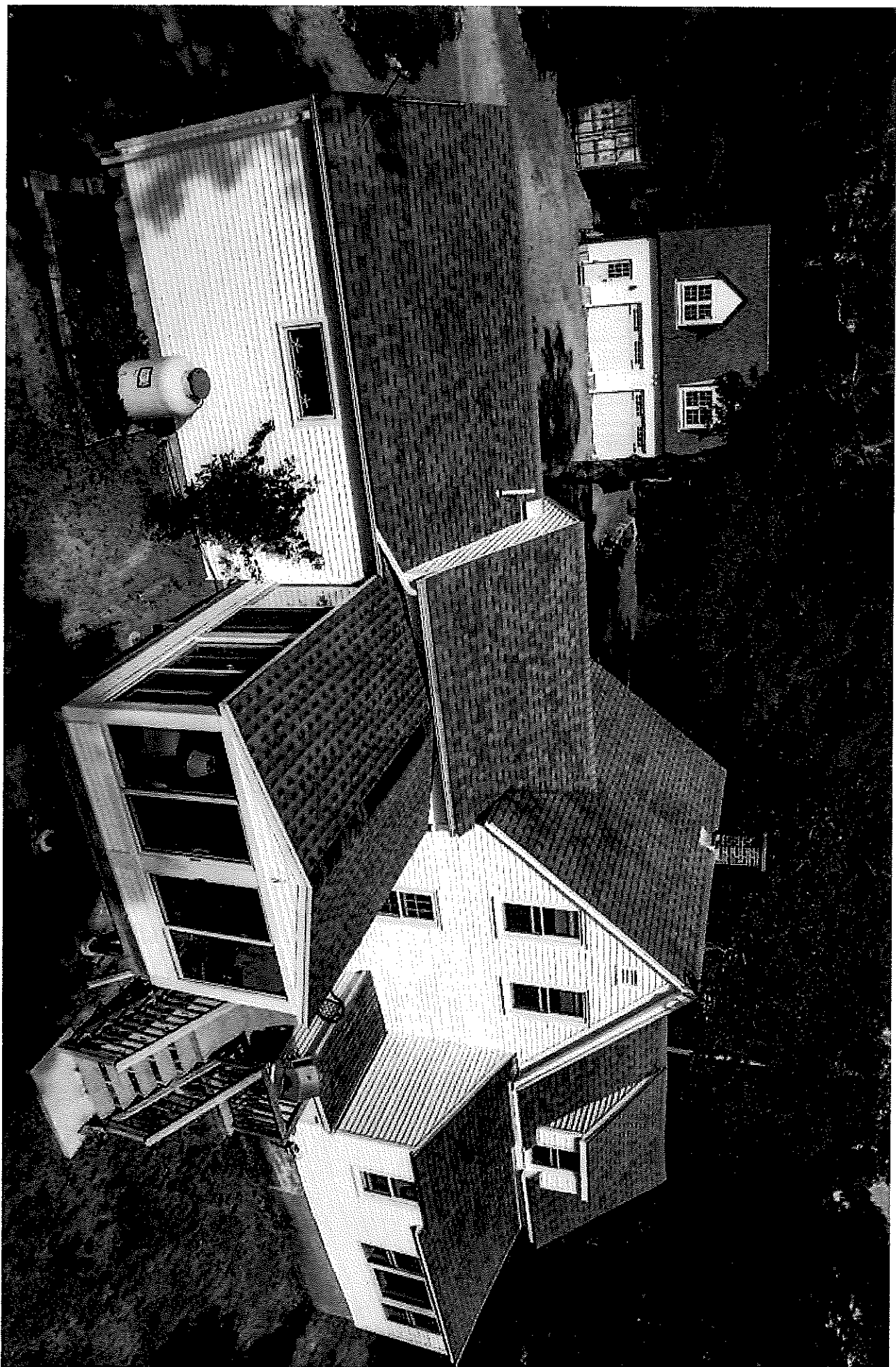
Brian Mullen
Notary Public
(Printed Name) BRIAN MULLEN
My commission Expires on 4/25/25



Property Address: 8 Angel Cove Way, Wareham, Plymouth County, Massachusetts 02571.











TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Building Commissioner

Arthur & Pamela Lapham
8 Angel Cove Way
Wareham, MA 02571

July 27, 2021

RE: Animal kennel for more than three dogs.

Map # 43, Lot # 1028

I have reviewed your application to establish an "animal kennel" at 8 Angel Cove way, in the MR-30 zoning district of Wareham, MA. Your proposal is not in compliance with current zoning regulations, and must be denied at this time.

Animal kennels, consisting of more than three dogs, on less than five acres, require a Special Permit from the Zoning Board of Appeals. You must apply for, and secure the necessary relief in order to proceed with your request.

Your permit application is being denied under the following sections of the Wareham zoning by-law:

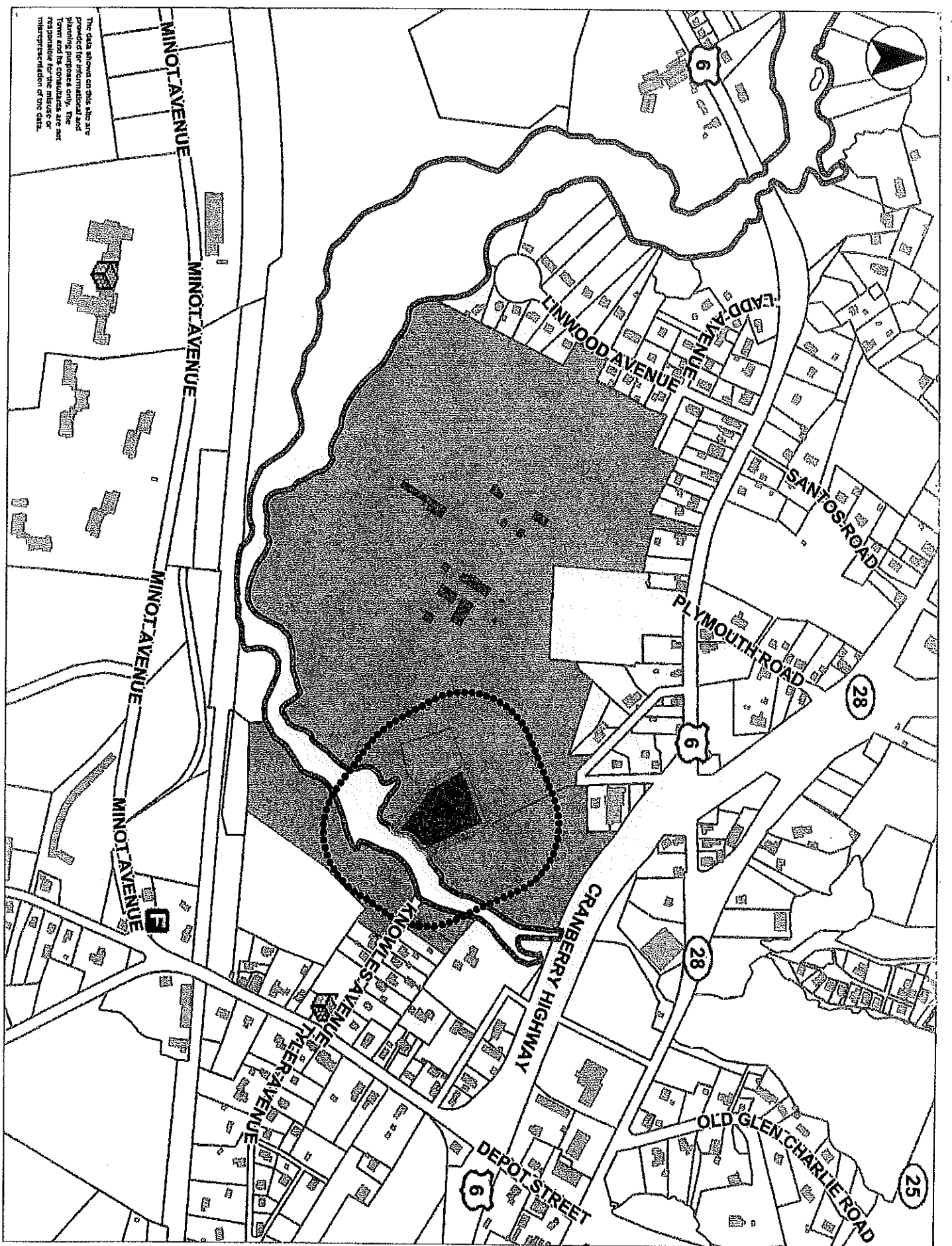
- **Article 3 Table 320, Animal Related Uses:** Animal kennels in the MR-30 zoning district, with less than five acres of land, require a Special Permit from the Zoning Board of Appeals.
- **Article 3 Section 340.2, Use Definitions; Animal Related Uses:** an animal kennel is defined as: harboring and/or care of more than three dogs, for more than three months.
- **Article 14 Section 1460, Special Permit:** Certain Uses, Structures, or conditions may be designated as Special Permits in the use table or other sections of the Wareham Zoning By-Law.

Respectfully,

David Riquinha
Building Commissioner
Zoning Enforcement officer

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.

| MAP & LOT | OWNER | CO-OWNER | STREET ADDRESS | TOWN | STATE | ZIP CODE |
|---------------------------------|------------------------|--------------|------------------|----------|-------|----------|
| TOWN OF WAREHAM ABUTTERS | | | | | | |
| MAP43 LOT 1028 300' | | | | | | |
| OWNER ARTHUR W LAPHAM | | | | | | |
| 43-1000 | TOWN OF WAREHAM | | TOWN HALL | WAREHAM | MA | 02571 |
| 43-1027 | EMMANUEL CHURCH OF THE | NAZARENE | 100 ROGERS AVE | WAREHAM | MA | 02571 |
| 43-1028 | LAPHAM ARTHUR W | | 8 ANGEL COVE WAY | WAREHAM | MA | 02571 |
| 43-1066 | WAREHAM LAND TRUST INC | | PO BOX 718 | WAREHAM | MA | 02571 |
| 43-1053 | HAUPT RICHARD G | HAUPT JANE M | 17 KNOWLES AVE | EWAREHAM | MA | 02538 |
| CERTIFIED ABUTTERS AS THEY | | | | | | |
| APPEAR ON OUR TAX ROLLS | | | | | | |
| AS OF 8/25/2021 | | | | | | |
| <i>W. J. Jones</i> | | | | | | |
| <i>W. J. Jones</i> | | | | | | |
| ASSESSORS OFFICE | | | | | | |
| REQUESTED BY | | | | | | |
| DENNIS CONRY ATTY | | | | | | |
| 508 295-7540 | | | | | | |
| DICONRY@CONRYLAW.COMCASTBIZ.NET | | | | | | |



The data shown on this site are provided for informational purposes only. The Town and the Copeland are not responsible for the nature or misrepresentation of the data.

- MA Places
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parcels
- Streets
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Road
- Streets
- Waterbody
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Outlying Towns

0 730 1460 ft

Printed on 08/25/2021 at 03:18 PM

MapsOnline by PeopleGIS