

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: 18 Highland Road LOT: 1140 MAP: 61  
ZONING DISTRICT: WV-2  
USE REQUESTED: see attached

OWNER OF LAND & BUILDING: John F. Keating, Jr. TEL.# 508-317-2520

ADDRESS OF OWNER: 18 Highland Road, #3, Wareham, MA 02571

PERSON(S) WHO WILL UTILIZE PERMIT: John F. Keating, Jr.

ADDRESS: 18 Highland Road, #3, Wareham, MA 02571

DATE: June 13, 2022 SIGNATURE: [Signature]

This application was received on the date stamped here: Dennis J. Conry, Esq. 245 Main St.  
attorney for applicant Wareham, MA 02571

**WAREHAM TOWN CLERK**  
**2022 JUN 29 AM 11:48**

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

Tax Collector: Brigitte Benoit Date: 6/14/22

Planning/Zoning Dept.: SOMA Rapposo Date: 6.29.22

Application fee paid: 400.00 Check #: 11746 Receipt: \_\_\_\_\_

Advertising fee paid: 100.00 Check #: 11747 Receipt: \_\_\_\_\_

Abutters fee paid: 115.77 Check #: 11749 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: John F. Keating, Jr.

Applicant's Address: 18 Highland Road, #3, Wareham, MA 02571

Telephone Number: 508-317-2520

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

Email Address: djconry@conrylaw.comcastbiz.net

Address of Property/Project: 18 Highland Road, Wareham

Landowner's Name: John F. Keating, Jr.

Owner's Address: 18 Highland Road, #3, Wareham, MA

Telephone Number: 508-317-2520

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

Map 61 Lot 1140 Zone WV-2

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BOOK 6401 PAGE 209

I, JOHN F. KEATING, SR.

of Wareham, Plymouth

County, Massachusetts,

being unmarried, for consideration paid, and in full consideration of -----SEVENTY THOUSAND THIRTY-NINE AND 99/100----- (\$70,039.99)-----DOLLARS grant to JOHN F. KEATING, JR.

of East Falmouth, Barnstable County, Massachusetts with quitclaim covenants (20 Shorecrest Road)

~~the book xxx~~

[Description and encumbrances, if any]

A certain parcel of land, with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts, on the Southerly side of Highland Road and bounded as follows:

Beginning at a stone bound at the Northeasterly corner of the granted premises, being also the Northwesterly corner of land now or formerly of one Boughton on Highland Road and running in line of said Road, South 84 3/4° West, Seventy and 3/10 (70.3) feet to a stone bound; thence in line of land now or formerly of Thomas Coyne, South 5 1/2° West, Two hundred twenty-three and no/100 (223.0) feet to the Town lot; thence in line of Town lot and the Tobey lot, so-called, Seventy-five and no/100 (75.0) feet to land now or formerly of said Boughton; thence North in line of said Boughton land, 5 1/2° East, Two hundred three and no/100 (203.0) feet more or less to the point of beginning.

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

Being the same premises conveyed to this grantor by deed of Gilbert H. Mackin and Anita S. Mackin, dated June 27, 1983 and recorded in the Plymouth County Registry of Deeds at Book 5385, Page 252.

PLYMOUTH COUNTY 177567

Witness my hand and seal this 1st day of November, 19 85



*John F. Keating, Sr.*  
John F. Keating, Sr.

The Commonwealth of Massachusetts

Bristol ss.

November 1, 19 85

Then personally appeared the above named JOHN F. KEATING, SR.

and acknowledged the foregoing instrument to be his free act and deed before me

*Janice E. Robbins*  
Notary Public - ~~PLMOUTH COUNTY~~

My commission expires November 15, 19 85

(\*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.

REC'D NOV 1 1985 AT 12- 2 3 PM AND RECORDED

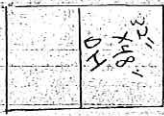






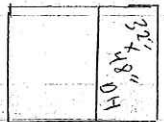
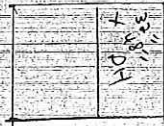
Right Cobble

← 20' →



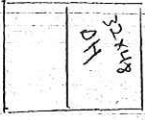
Left Side

← 20' →

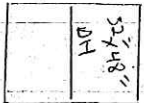
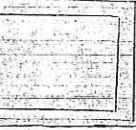




Roof



Roof

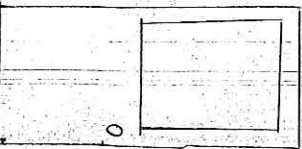
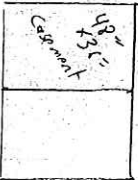
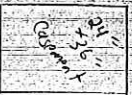
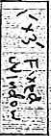


(Back)

Roof



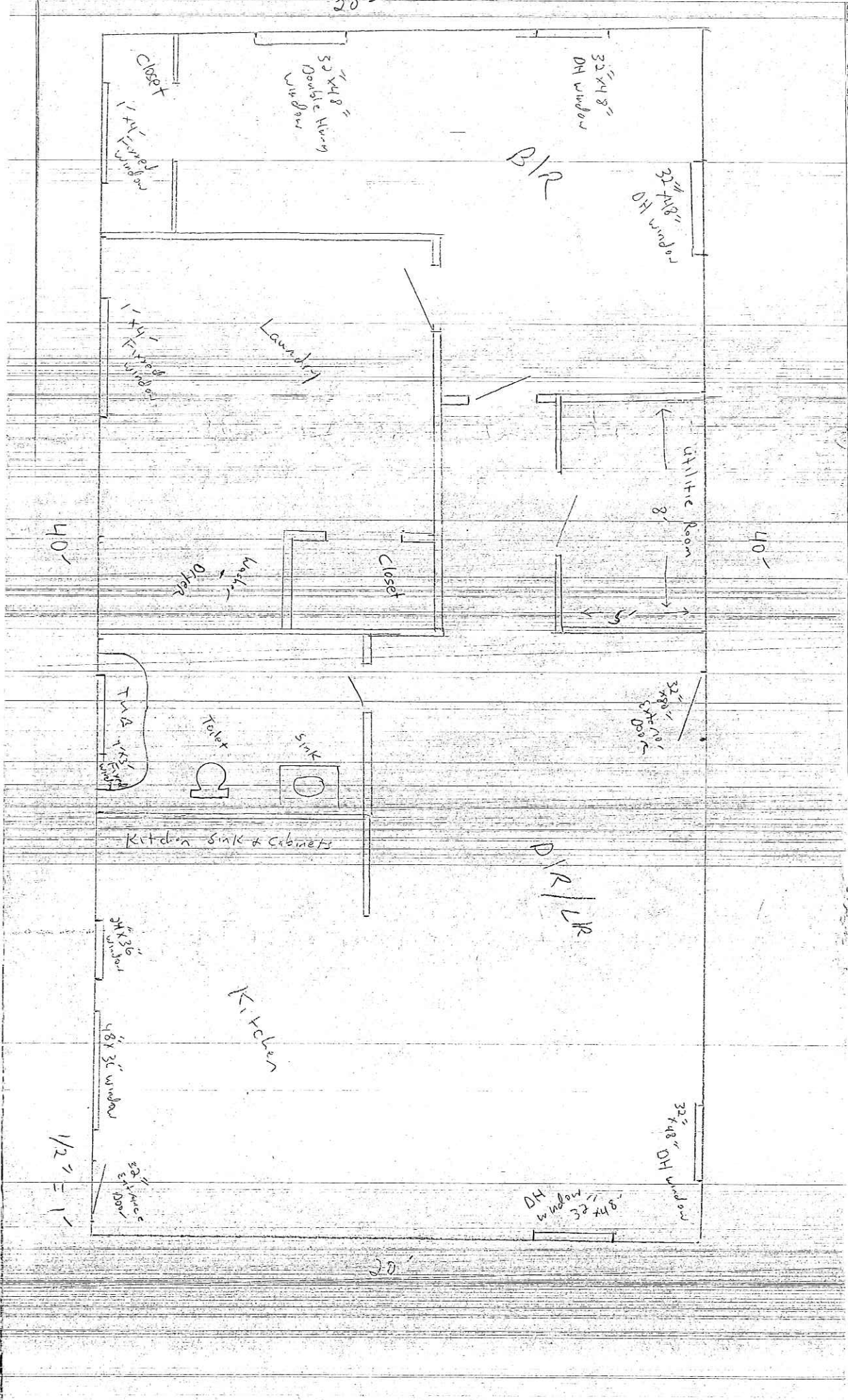
Roof



← 40' →

(Front)









**Statement of Intent of Petitioner, John F. Keating, Jr.**  
**Re: 18 Highland Road**

The petitioner, John F. Keating, Jr., requests the Zoning Board of Appeals to grant him a special permit and/or variances as required by the Zoning Bylaw to convert an existing structure at 18 Highland Road now serving as a garage/recreation room to a new use as a 2<sup>nd</sup> principal residential structure.

Mr. Keating has owned the property 18 Highland Road, consisting of a 3-family residence, since purchasing the property from his father, John F. Keating, Sr., in 1986. Mr. Keating now lives on the 3<sup>rd</sup> floor of the property with his 2 adult children, ages 22 and 21. The apartments on the 1<sup>st</sup> and 2<sup>nd</sup> floors of the main house are rented to year-round tenants.

There has been located in the rear of the property since Mr. Keating purchased it in 1986 a structure that was originally built as a 4-car garage. In 2003, Mr. Keating applied to the building inspector for permission to convert the 4-car garage to a 4<sup>th</sup> living unit on the premises to be located entirely within the 4-car garage structure. In 2003 the property was located in what was then identified as Zoning District MR-30 which at the time required 30,000 sq. ft. of area and 150 ft. of frontage for the construction of even 1 single-family residence to be built on the property. Because of the requirements of Zoning District MR-30 in force at the time, the building inspector denied Mr. Keating's application to construct the 4<sup>th</sup> residential unit on the parcel within the 4-car garage. However, the Building Department did allow Mr. Keating to convert 2 of the 4 garage bays to a recreation room which allowed Mr. Keating to install a bathroom containing a sink, toilet, and bathtub in the half of the garage structure. At that time, the garage building was connected to Wareham town sewer and electric service was brought to the building. The main reason the recreation room was created was to allow Mr. Keating to visit with his young children who have now become adults. Although the garage/recreation room is connected to town sewer and to the electrical grid, due to the limitations on the use of the building, it has fallen into disuse and is now used only to store miscellaneous personal property.

In 2004, the zoning designation for 18 Highland Road was changed from MR-30 to Wareham Village 2. The Table of Principal Uses, Section 320, states that 3- to 4-family dwelling use is permitted in existing structures upon issuance of a special permit by the Zoning Board of Appeals.

Article 6 of the Zoning Bylaw provides that the first dwelling unit in WV-2 requires 15,000 sq. ft. and each additional dwelling unit requires an additional 2,000 sq. ft. Therefore, under the dimensional requirements of the Zoning Bylaw, 21,000 sq. ft. is required to increase the number of dwelling units on the parcel from 3 to 4 units.

Mr. Keating has no intention of expanding the size or height of the existing structure. Mr. Keating's sole request is to convert the existing structure to residential use, which use appears to be now consistent with the current intent of the Zoning Bylaw.

The Petitioner requests that the Board of Appeals:

1. issue a special permit provided under Article 3, Section 320, for the construction of a 4<sup>th</sup> residential unit in the existing structure (i.e. garage/recreation room);
2. issue a dimensional variance to permit the construction of a 4<sup>th</sup> residential unit on the lot which contains less than the required area;
3. issue a variance or special permit which the Board deems necessary to permit the conversion of a garage into an additional residential unit.





# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

---

John F. Keating  
C/o Kevin Crowley  
10 Siesta Drive  
Wareham, MA 02576

September 30, 2021

**RE:** 18 Highland Road

Map # 61, Lot # 1140

I have reviewed your application to create a fourth dwelling unit on your property at 18 Highland Road, in Wareham, MA. Your proposal does not comply with the current requirements of the Wareham zoning bylaw and must be denied at this time.

It is my understanding that you would like to convert your detached garage into a second principal residential structure which is permitted in the Wareham Village zoning district; however, there are three dwelling units on the property currently, and there is not enough land area to create a fourth unit as of right. You currently have approximately 15,246 square feet of land, and 21,000 square feet is required to comply with your request. You must apply for and secure a Variance from the Zoning Board of Appeals in order to proceed with this proposal. Additionally, a Special Permit from the Zoning Board of Appeals is required for the four family use, in the Wareham Village zoning district.

Your permit application is being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 622, Village Districts:** Your project requires 15,000 square feet for the first unit, and 2000 square feet for each additional unit, totaling 21,000 square feet of land required for the proposed four family use.
- **Article 3 Table 320, Table of Principal Use:** Three to four family uses within existing structures require a Special Permit from the Zoning Board of Appeals.

- **Article 13 Section 1360, Alteration of Extension of Other Structures:** The conversion of a garage into an additional residential dwelling unit is an intensification/ aggravation of a non-conforming Use, and requires a Variance from the Zoning Board of Appeals.

You must bring this letter to the Zoning Board office and apply for a hearing where you will request the necessary relief as mentioned above. If you are successful, you will be required to wait 20 days for the statutory appeal period to lapse; you will then need to record the Zoning Board decision with the Plymouth County Registry of Deeds; then apply for a new building permit to construct the addition and perform the work in accordance with the building and zoning approval. The existing permit application has been denied and will not be reopened to perform the requested work.

The subject dwelling is located in the WV-2 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.**



**CONSTRUCTION DETAIL**

**CONSTRUCTION DETAIL (CONTINUED)**

Element	Cd	Description	Element	Cd	Description
Style: Model	10	Three Family Residential			
Grade:	01	Above Ave			
Stories:	05				
Occupancy	2 7/5				
Exterior Wall 1	3	Wood Shingle			
Exterior Wall 2	14	Gable/Hip			
Roof Structure:	03	Asphalt Shing			
Roof Cover	03	Plastered			
Interior Wall 1	03				
Interior Wall 2	03				
Interior Fir 1	09	Pine/Soft Wood			
Interior Fir 2	14	Carpet			
Heat Fuel	02	Oil			
Heat Type:	05	Hot Water			
AC Type:	01	None			
Total Bedrooms	09	9+ Bedrooms			
Total Bathrms:	3				
Total Half Baths	0				
Total Xtra Fixtrs	16				
Total Rooms:	02	Average			
Bath Style:	02	Average			
Kitchen Style:	02				
# of Fireplaces					
Fireplace Type					
Finish Bsmt SF					
Fin Bsmt Qual					

CONDO DATA			
Parcel Id	C	B	Ownr
			0.0
Adjust Type	Code	Description	Factor%
Condo Fir			
Condo Unit			

COST / MARKET VALUATION			
Building Value New	Year Built	Effective Year Built	Depreciation Code
497,484	1914	1914	F
	1980		
	40		
	0		
	5		
	1		
	55		
	273,600		

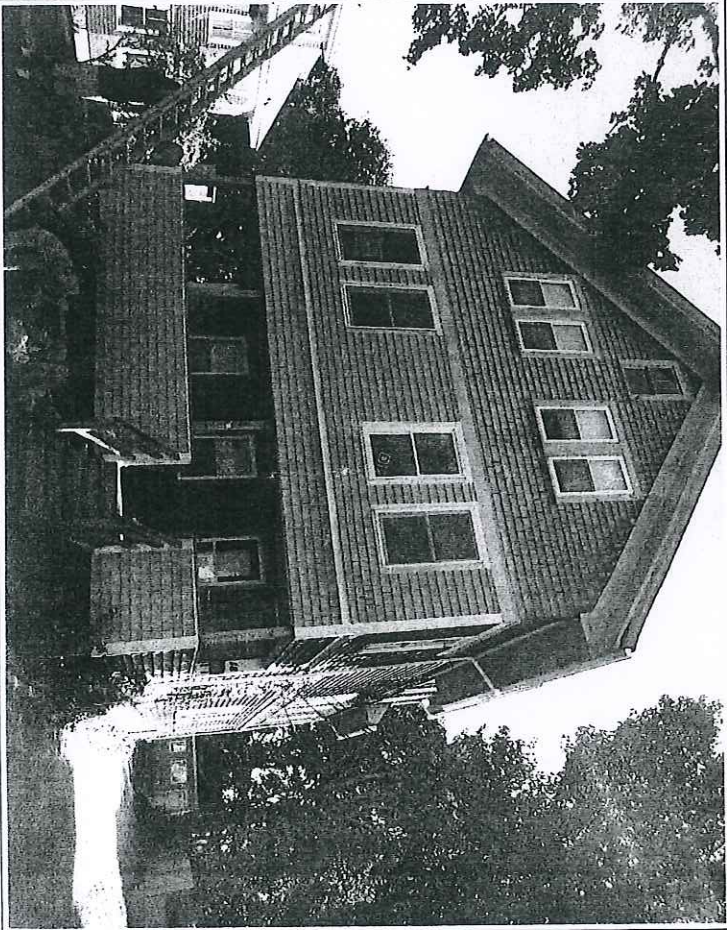
**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

Code	Description	LB	Units	Unit Price	Yr Bilt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FGR1	GARAGE AVG	L	400	23.00	1995		50		0.00	4,600
CAB2	CABIN/PLUM	L	400	35.00	2004		75		0.00	10,500

**BUILDING SUB-AREA SUMMARY SECTION**

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,170	1,170	0	0	0
FOP	Open Porch	0	372	0	0	0
FUS	Upper Story	1,430	1,430	0	0	0
TQS	3/4 Story Fin	1,001	1,430	0	0	0
UBM	Basement Unfin	0	1,170	0	0	0
Ttl Gross Liv / Lease Area		3,601	5,572			

FOP	14	8	14	24	45
TQS					
FUS					
BAS					
UBM					
TQS		26			10
FOP					
UBM					











BODFISH AVENUE

GIBBS AVENUE

GIBBS AVENUE

GIBBS AVENUE

MORSE TERRACE

HIGHLAND ROAD

HIGH STREET

HIGH STREET

MAIN STREET

MORSE AVENUE

MARION ROAD

MARION ROAD

HIGH STREET

Wareham Free Library

The data shown on this site are provided for informational and planning purposes only. The user is not responsible for the release or misrepresentation of the data.

320

640 ft

Printed on 06/01/2022 at 10:49 AM



- MA Places
  - Fire Station
  - Police Station
  - Town Hall
  - Public Library
  - School
- Buildings
- Parcels
- Town Boundary
- MA Highways
  - Interstate
  - US Highway
  - Numbered Road
- Streets
- Elevation
  - 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
- Abutting Town Labels
- Abutting Towns

MapOnline by PeopleGIS



[Home](#) » [Departments](#) » [Assessing Department](#) » [Abutter Request Form - Online](#) » [Webform results](#)

# Submission #41

[View](#)

[Delete](#)

Welcome to the website. For Help Documentation & Videos, please visit our [Municipal User Center](#) or, for schools, visit our [Schools User Center](#). It is recommended you write down the following credentials to login to the User Center - Username: "CivicOpen" and Password: "ClientUser10!"

[Print](#)   [Resend e-mails](#)

[Previous submission](#)   [Next submission](#)

### Submission information

Form: [Abutter Request Form - Online](#)  
Submitted by Anonymous (not verified)  
June 1, 2022 - 9:42am  
2603:3005:2600:b200:2c4e:1a19:e27d:1ae5

### Contact Information

Dennis Conry

#### Phone Number:

5082957540

#### Email Address:

djconry@conrylaw.comcastbiz.net

#### Date of Request:

June 1, 2022

#### Owners Name:

John F. Keating, Jr.

#### Property Location:

18 Highland Road

#### Map/Lot

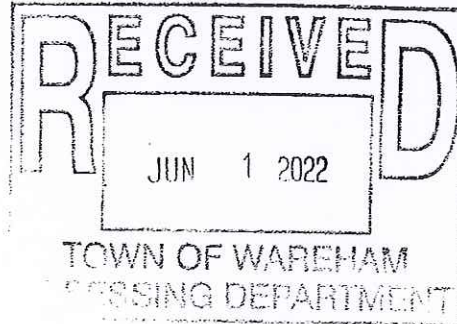
61/1140

#### Distance Required

300'

#### Which Board are you appearing before?

ZBA



[Previous submission](#)   [Next submission](#)