



**PLANNING
DEPARTMENT**

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Town of Wareham

To: Zoning Board of Appeals
From: Planning Department
Date: July 12, 2022
Subject: Construct a residential dwelling unit in the
basement of a commercial establishment
Location: 240 Onset Avenue - **Variance**

Map:	1	Case No.:	21-22
Lot:	532	Zoning:	OV-2
Hearing Date:	7/13/22	Lot Area:	±5,000 sf

SITE AND NEIGHBORHOOD

240 Onset Avenue is a 1.5-story commercial building which houses a Police Sub-station/Information and Welcome Center in Onset. The subject property is situated on a corner lot at the intersection of Longwood Avenue and Onset Avenue. The surrounding neighborhood consists of other single story commercial storefronts and two-story residences.

APPLICANT'S PROPOSAL

The applicant Sharon Cates, is proposing a dwelling unit in the basement with (a studio). No other changes to the exterior are proposed.

FINDINGS

Article 6, §622 Density and Dimensional Regulations for Village Districts: The Zoning By-Law requires 10,000 sf for the first dwelling unit in the OV2 district. The applicant has ±5,000 sf. Therefore, a variance is required.

PLANNING DEPARTMENT COMMENTS

The Planning Department is generally supportive of this proposal. The Department would ask the applicant to identify off-street parking. Additionally, the Department asks the applicant to submit a certified site plan, stamped and signed by a registered surveyor, to determine whether the subject lot is considered a lawfully existing small lot (Article 628).

If the Zoning Board of Appeals recommends approval, the Planning Department recommends the following conditions:

- 1. The project shall comply with all requirements necessary for obtaining road opening permits for driveways and utilities per standards of the Municipal**

Maintenance Director.

2. **The Zoning Board of Appeals and its Staff shall have access to the project site to ensure that these conditions are complied with.**
3. **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 Variance is required and shall be recorded in the Plymouth County Registry of Deeds.**
4. **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.**
5. **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.**
6. **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.**
7. **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.**
8. **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.**
9. **No temporary certificate of occupancy shall be granted until the final security amount has been submitted and approved by the Zoning Board of Appeals.**
10. **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.

- 11. Lighting will be limited to onsite-directed, shielded fixtures.**
- 12. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Zoning Board of Appeals.**
- 13. If substantial use or construction permitted by this Variance has not commenced within one year from the date of which a copy of this decision is filed with the Town Clerk, 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 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 Variance does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.**
- 14. 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.**
- 15. 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

