

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:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- 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 \$80.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.11 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: 22 WEAVER ST. LOT: 1039-B MAP: 100  
ZONING DISTRICT: MR-30  
USE REQUESTED: APARTMENT IN MIXED-USE BUILDING VARIANCE  
OWNER OF LAND & BUILDING: ZACHARY LETENDRE TEL.# 508-965-0000  
ADDRESS OF OWNER: 22 WEAVER ST. W. WAREHAM, MA 02576  
PERSON(S) WHO WILL UTILIZE PERMIT: OWNER  
ADDRESS: SAME AS ABOVE  
DATE: 12/9/2020 SIGNATURE: [Signature]  
This application was received on the date stamped here: 2020 DEC 15 PM 4:29

Town Clerk:	_____	Date:	_____		
Tax Collector:	<u>[Signature]</u>	Date:	<u>12/14/20</u>		
Planning/Zoning Dept.:	<u>[Signature]</u>	Date:	<u>12/15/2020</u>		
Application fee paid:	<u>300.00</u>	Check #:	<u>215</u>	Receipt:	_____
Advertising fee paid:	<u>80.00</u>	Check #:	<u>217</u>	Receipt:	_____
Abutters fee paid:	<u>129.10</u>	Check #:	<u>216</u>	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: ZACHARY LETENDRE

Applicant's Address: 22 WEAVER ST. W. WAREHAM, MA 02576

Telephone Number: /

Cell Phone Number: 508-965-0000

Email Address: ZACHARYCLETENDRE@GMAIL.COM

Address of Property/Project: 22 WEAVER ST. W. WAREHAM, MA 02576

Landowner's Name: ZACHARY LETENDRE

Owner's Address: 22 WEAVER ST. W. WAREHAM, MA 02576

Telephone Number: 508-965-0000

Contact Person: ZACHARY LETENDRE Telephone Number: 508-965-0000

Map 100 Lot 1039-B Zone MR-30

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

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

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

Doc#: 00034821  
Bk: 52669 Pg: 106 Page: 1 of 2  
Recorded: 04/28/2020 11:00 AM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 04/28/2020 11:00 AM  
Ctrl# Doc# Plymouth County Registry of Deeds  
Fee: \$.00 Cons: \$1.00  
\*\*\*\*\*

### MASSACHUSETTS QUITCLAIM DEED

I, Zachary C. Letendre, of 7 Bantry Way, South Boston, Massachusetts 02127, for consideration paid and in full consideration of ONE DOLLAR (\$1.00),

grant to Letendre & Wild LLC, a Massachusetts limited liability company, with an address of 22 Weaver Street, West Wareham, MA 02576,

with quitclaim covenants,

the land West Wareham, Plymouth County, Massachusetts, with the buildings thereon, consisting of two parcels of land in said Wareham, on the Westerly side of Weaver Street, being bounded and described as follows:

**PARCEL ONE:**

That certain parcel of land being shown as Lot 1039B as shown on a certain plan entitled "Plan of Land, surveyed for Mary V. Barber, Weaver Street, West Wareham, Mass.", Scale 1" = 40' August 29, 1972, Walter E. Rowley & Associates, Inc., Civil Engineers and Surveyors, recorded with Plymouth County Registry of Deeds as Plan No. 1156 of 1972 in Plan Book 16, Page 1039.

**PARCEL TWO:**

That certain parcel of land being shown as Lot 1039C as shown on a certain plan entitled, "Plan of Lane prepared for Dean R. Barber, Weaver Street, West Wareham, Mass.", Scale 1" = 40', May 8, 1981, Charles L. Rowley & Associates, Civil Engineers and Surveyors, recorded with said Deeds in Plan Book 22, Page 505 as Plan No. 446 of 1981.

The Grantor hereby states under the pains and penalties of perjury that this property is not his homestead residence and that no other individual has any homestead rights in the property.

Being the same premises conveyed to this Grantor by deed recorded with Plymouth County Registry of Deeds in Book 44365, Page 66.

PROPERTY ADDRESS: 22 Weaver Street, West Wareham, Massachusetts 02576



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L. Riquinha  
Director of Inspectional Services

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Zachary Letendre  
22 Weaver Street  
Wareham, MA 02576

November 18, 2020

RE: 22 Weaver Street (Accessory Apartment)

Map #100, Lot #1039/B

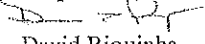
I have reviewed your application to legalize the use of your unlawfully non-conforming accessory apartment in Wareham, MA. Accessory apartments are not permitted in the MR-30 zoning district which prohibits the approval of your request.

On April 16, 2020 you were issued a violation notice from the Town of Wareham for the unlawful accessory apartment on your property. As of today, you have failed to properly correct the violation and the issue remains outstanding. You must apply for and secure a Variance from the Zoning Board of Appeals in order to continue the use of your apartment, as well as to cure the open violation at your property.

- **Article 3, Section 330, Table of Accessory Use Regulations;** Accessory apartments are not permitted in the residential zoning districts. You have an unlawful accessory apartment which requires a Variance from the Zoning Board of Appeals to sanction.
- **Article 14, Section 1460, Use Variances,** "The Board of Appeals is specifically empowered to grant variances from the restrictions imposed by this By-law as to Use".
- **Article 3, Section 340.4, Use Definitions, Accessory Apartment;** "An accessory apartment is a second dwelling unit located within or attached to a structure originally designed, constructed and occupied as a detached single-family dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home."

The subject building is located in the MR-30 Zoning district.

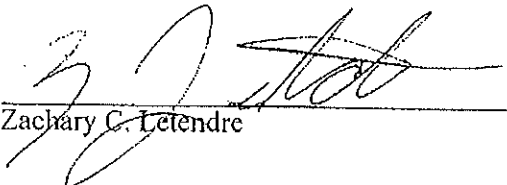
Respectfully,

  
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.

In witness whereof, the said Zachary C. Letendre has caused these presents to be signed this 25th day of April, 2020.

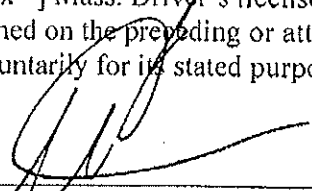
  
\_\_\_\_\_  
Zachary C. Letendre

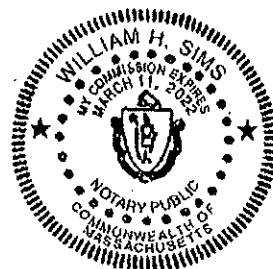
COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

April 25, 2020

On this 25<sup>th</sup> day of April, 2020, before me, the undersigned notary public, personally appeared Zachary T. Letendre proved to me through satisfactory evidence of identification, which was/were  Mass. Driver's license(s) or  \_\_\_\_\_, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

  
\_\_\_\_\_  
Notary Public: William H. Sims  
My Commission Expires: March 11, 2022



PROPERTY ADDRESS: 22 Weaver Street, West Wareham, Massachusetts 02576

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 05/29/2014 03:59 PM  
Ctrl# 072762 09173 Doc# Plymouth County Registry  
Fee: \$1,055.64 Cons: \$231,500.00  
\*\*\*\*\*

Property Address: 22 Weaver St. West Wareham, MA 02576

QUITCLAIM DEED

I, Donna Rawlings, of West Wareham, Massachusetts, for and in consideration of Two Hundred Thirty-One Thousand Five Hundred (\$231,500.00) Dollars grant to Zachary Letendre of 22 Weaver Street, West Wareham, Plymouth County, Massachusetts, with QUITCLAIM COVENANTS

The land in West Wareham, with the buildings thereon, consisting of two parcels of land in said Wareham, on the Westerly side of Weaver Street, being bounded and described as follows:

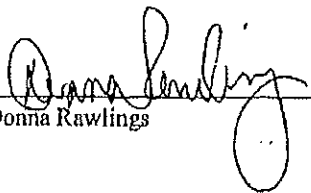
PARCEL ONE: That certain parcel of land being shown as Lot 1039B as shown on a certain plan entitled "Plan of Land Surveyed for Mary V. Barber, Weaver Street, West Wareham, Mass." Scale 1"=40', August 29, 1972, Walter E. Rowley & Associates, Inc., Civil Engineers and Surveyors, recorded with Plymouth County Registry of Deeds as Plan No. 1156 of 1972 in plan Book 16, Page 1039.

PARCEL TWO: That certain parcel of land being shown as Lot 1039C as shown on a certain plan entitled, "Plan of Land Prepared for Dean R. Barber, Weaver Street, West Wareham, Mass." Scale 1"=40', May 8, 1981, Charles L. Rowely & Associates, Civil Engineers and Surveyors, recorded with said Deeds in Plan Book 22, Page 505, as Plan No. 446 of 1981.

Being the same premises conveyed to Donna Rawlings by Deed of Donna E. Rawlings and Richard A. Rawlings dated September 30, 2013, and recorded with the Plymouth County Registry of Deeds in Book 43788 Page 191.

Seller herein releases all rights of homestead and states under the pains and penalties that there is no other person who is entitled to claim a homestead rights.

Witness my hand and seal this 29<sup>th</sup> day of May, 2014

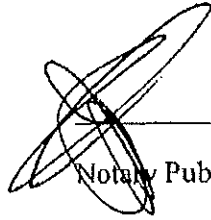
  
Donna Rawlings

COMMONWEALTH OF MASSACHUSETTS

County: Bristol

Dated: 5/21/14

On this 21<sup>st</sup> day of May, 2014, before me the undersigned Notary Public, personally appeared Donna Rawlings, proved to me through satisfactory evidence of identification, to wit a Massachusetts license, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.



Notary Public John D. Simmons

My Commission Expires

6/9/2017



**JOHN D. SIMMONS**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
June 9, 2017

**Apartment in Mixed-Use Building Variance Request**

Submitted to

Town of Wareham, Zoning Board of Appeals

Prepared by

Zachary Letendre

22 Weaver St.

Wareham, MA 02576

December 5, 2020



## **Scope**

The scope of this project is to obtain a variance from the town of Wareham for an existing second-floor garage apartment for Parcel ID 100-1039/B, located at 22 Weaver St. West Wareham.

## **The Parcel**

100-1039/B is located at 22 Weaver Street in West Wareham, Massachusetts with the postal zip code of 02576. Three structures, the house, garage, and shed, currently sit on the 0.83 acre lot which abuts Tremont Mill Pond. This parcel is zoned as MR-30, multiple residence 30. It has an occupancy classification as single family (GIS, 2014).

## **The Structure**

The non-conforming structure is the garage. The structure is two story with the dimensions of 28' wide x 32' deep. The foundation consists of 10" x 14" concrete footing approximately 4' below grade with an 8" concrete block foundation wall. The floor of the garage is a poured concrete slab. The second floor is supported by 14" deep engineered floor joists spanning 28'. The second-floor ceiling consists of 2" x 6" joists spaced at 16". The roof is supported by 2" x 12" rafters spaced at 16". There is a two-car garage on the ground level with a living area on the second level. According to Robert Dennis Jr., PE in Structural Engineering, "it is my opinion, the garage, as built is capable of supporting a second floor living area." (see Appendix A for Structural Engineering Report)

## **Layout**

The second-floor layout consists of two bedrooms, a bathroom with a half-bath, and an open-concept kitchen and living area. There are 2 means of egress. One door is accessible from a bedroom on the southern side of the garage and the other from the open living room on the

western rear. The doors are accessed from an L-shaped porch with two separate stairways to the ground level. Each stairway is located near a door. (see Appendix B for Apartment Layout)

### **Variances**

According to Wareham's Zoning By-Laws, *Article 14, Section 1460, Use Variances*, the Board of Appeals is specifically empowered to grant variances from the restrictions imposed by this By-Law as to use (By-Laws, 2014).

#### ***Apartment in Mixed-Use Building***

According to Wareham's Zoning By-Laws, *Article 3, Section 330, Table of Principle Use Regulations*, Apartments in mixed-use buildings, which is defined as a dwelling located on the upper floors of a building of which the ground floors are devoted to nonresidential uses, is listed as prohibited. Therefore, the apartment above the garage at 22 Weaver Street is classified as an "apartment in a mixed-use building".

### **M.G.L. Chapter 10A, Section 10 requirements**

Establishing that the following four requirements set forth in the M.G.L. Chapter 10A, Section 10 are met is required for approval of a variance.

#### ***A. Land, Structures, and Zoning District***

100-1039/B is located at 22 Weaver Street in West Wareham, Massachusetts is located in an MR-30 district. The MR-30 district is intended to promote residential development at moderate to high densities. According to Wareham's Zoning By-Laws, *Article 3, Section 330, Table of Principle Use Regulations*, MR-30 zoned parcels are permitted to have a single-family and 2-family dwelling on the property. On Weaver street there are currently four multi-family properties existing, house numbers 2, 3, 7A, and 40, of which consists of four condo units (GIS, 2014). With special permitting from the planning board, MR-30 parcels can even allow up to 5+

family dwellings. By granting a variance to Lot 100-1039/B granting legal residence to the single garage apartment, it would not be affecting the zoning district in any derogatory capacity. Essentially it would allow two families to reside in the single lot, which is already permitted as MR-30 permits two-family dwellings.

The structure in question would have zero effect of the soil conditions, shape, or topography of the land as the structure has been existing for many years.

### ***B. Public Good***

Granting this variance would enhance the public good as it would be allowing one more legal housing opportunity in the town of Wareham. Granting permission would enhance the town's housing landscape, as there would be one more apartment that the town is aware of. Also, an increase in property taxes would increase, allowing access to more public revenue.

### ***C. Intents and Purpose***

Granting this variance would allow the property at 22 Weaver St. to be honorably used as the property is currently intended. Harmonizing the lots intents and current use with the legal variance granted by the town of Wareham would enhance the process of Zoning Board of Appeals and the By-Laws that have been written. Therefore, granting this variance would not nullify or substantially derogate from the intent or purpose of the Wareham Zoning By-Laws.

### ***D. Uniqueness***

This variance is unique to lot 100-1039/B due to the nature of the layout of the structures and the architecture of the garage. The garage is detached from the primary dwelling. This means that classification of the garage apartment as an "in-law apartment" is not permitted. Thus, it requires a variance being classified as an "apartment in a mixed-use building". Granting this one variance would be unique only to this property.

**Next Steps**

Upon the approval of the proposed project scope at 22 Weaver Street, the next step will include a perc test and new septic design by a civil engineer. Upgrading the current septic system is required as the existing septic is sized for a two-bedroom dwelling. The system will have to be upgraded to accommodate a minimum of 4 bedrooms.

**Summary**

Permission to use the garage living area as a legal residency is required to allow for the lots balance of intent and occupancy description. A Variance request to allow an apartment in a mixed-use building will be necessary to balance the lot's current use as an apartment in a mixed-use building and zoning classification. This variance meets the four requirements set forth by the M.G.L. Chapter 40A, Section 10. Upon approval, necessary improvements to the lot and inspections will be undertaken in order to meet building standards and regulations.

### References

Town of Wareham, Massachusetts. (2014). *Wareham Zoning By-Laws*. Wareham.MA.US.

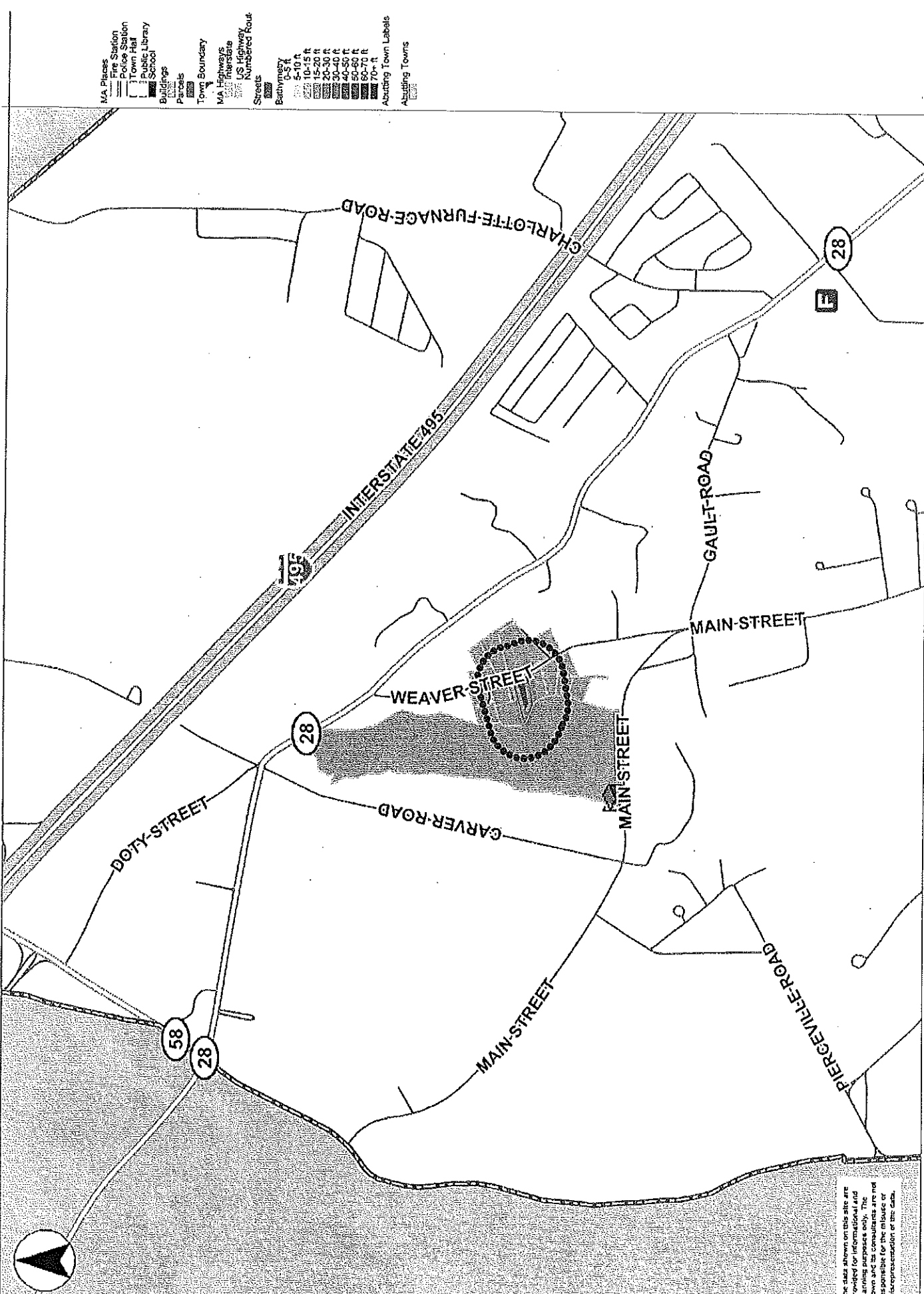
[https://www.wareham.ma.us/sites/g/files/vyhli5146/f/uploads/zoning\\_by-laws\\_2014.pdf](https://www.wareham.ma.us/sites/g/files/vyhli5146/f/uploads/zoning_by-laws_2014.pdf).

Town of Wareham, Massachusetts. (2014). *Wareham GIS*. Maps Online.

<http://www.mapsonline.net/warehamma/index.html>.

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 100 LOT 1039/A						
OWNER ZACHARY LETENDRE						
100-1029	TOWN OF WAREHAM		TOWN HALL	WAREHAM	MA	02571
100-1040	UHLMAN AIMEE L	UHLMAN CHRISTOPHER D	4 VEIGA WAY	W WAREHAM	MA	02576
100-1039/E	VEIGA BERNADINE	TENORE ANGELA	12 MELBY RD	ATTLEBORO	MA	02703
100/B	ALLAIRE SAMANTHA J		26 WEAVER ST	W WAREHAM	MA	02576
100-1033/B	CORTHELL RICHARD J JR		PO BOX 49	CARVER	MA	02330
100-1038/A	VEIGA BERNICE E		20 WEAVER ST	W WAREHAM	MA	02576
100-1033/C	TREMONT PONDSVIEW TRUST	C/O ARTHUR F LANE, TRUSTEE	1063 MAIN ST OFF	W WAREHAM	MA	02576
100-1041	SCULLY EILEEN M		28 WEAVER ST	W WAREHAM	MA	02576
100-H2	CASEY JENNIFER	C/O JENNIFER CONLON ADM	41 WEAVER ST	W WAREHAM	MA	02576
100-H1	POTTITO GLYNN		37 WEAVER ST	W WAREHAM	MA	02576
100-1038/B	VEIGA SHAWN E		18 WEAVER ST	W WAREHAM	MA	02576
100-1037/B	HERONIMO NICHOLAS F		16 WEAVER ST	W WAREHAM	MA	02576
100-1046/B	POTTITO GLYNN		37 WEAVER ST	W WAREHAM	MA	02576
100-1046/A	NIGRO AN+B61THONY III	NIGRO EVELYN B	33 WEAVER ST	W WAREHAM	MA	02576
102-1000/A	MONTEIRO DOREEN M	CO DOREEN M PULLER	252 WEST ST	MANSFIELD	MA	02048
100-1045/B	BARTIE ELAINE M		PO BOX 481	W WAREHAM	MA	02576
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 10/30/2020						
ASSESSORS OFFICE						
REQUESTED BY						
ZACHARY LETENDRE						
508 965-0000						
XZACH33@YAHOO.COM						

*W. Rene Adams*

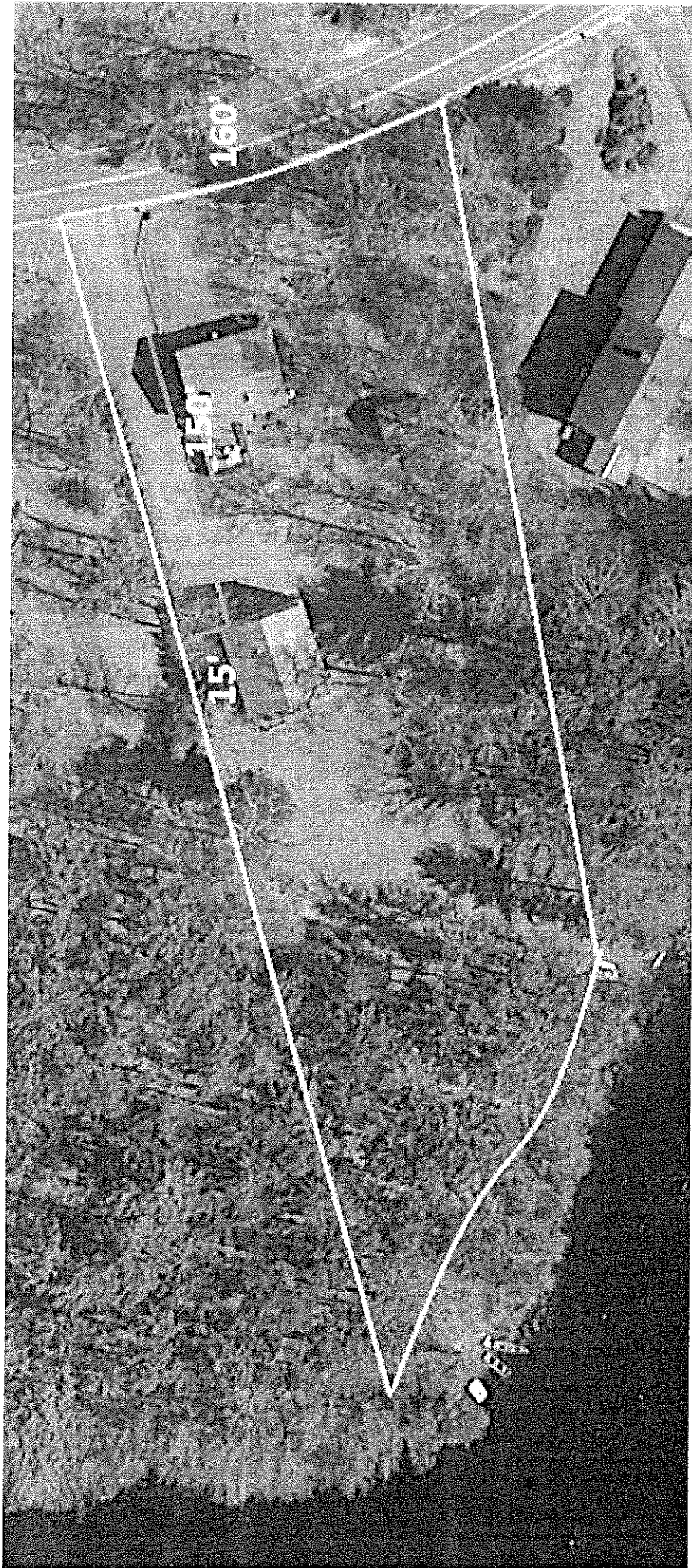


- MA Places
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parks
- Water
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Route
- Streets
- Bathymetry
- 5-40 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Abutting Town Labels
- Abutting Towns

The data shown on this site are provided for informational and planning purposes only. The data on this site for purposes are not intended for use in any legal or microtransmission of the data.



Printed on 11/23/2020 at 04:38 PM





**Robert W. Dennis Jr.  
Registered Structural Engineer  
P.O. Box 534  
East Bridgewater, MA 02333  
508-326-2464  
rwdennisjr@comcast.net**

**Garage Inspection  
22 Weaver St. Wareham, Ma  
September 21, 2020**

**I have been retained as a registered structural engineer to inspect a two story garage to determine if the second floor is structurally adequate to be used as a living area.**

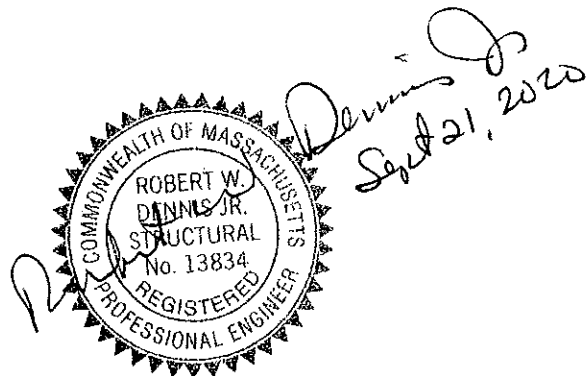
**I visited the site with the owner on Sunday, September 20, 2020. The garage is a two story structure 28 ft. wide x 32 ft. deep. The foundation consists of a 10" x 14" poured concrete footing approximately 4 ft. below grade with an 8" concrete block foundation wall. The floor of the garage is a poured concrete slab. The second floor is supported by 14" deep engineered floor joists spanning 28 ft. The 2<sup>nd</sup> floor ceiling consists of 2 x 6 joists spaced at 16". The roof is supported by 2 x 12 rafters spaced at 16".**

**The engineered floor joists were marked "JOIST ALEXANDREA EPW 900S JOISTS ICBO ES ER-5208 NER 594 BBA". We were able to obtain spec. sheets for joists. Based on these spec. sheets, the floor joists are capable of spanning 29 ft. - 6 inches.**

**It is my opinion, the garage, as built, is capable of supporting a second floor living area.**

**Please contact me if there are any questions.**

**Bob Dennis  
PE**



# Appendix B Apartment Layout

