

**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 **\$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: 7 Depot Street LOT: 1152 MAP: 129  
ZONING DISTRICT: CS  
USE REQUESTED: Multi-Family > 5 Units  
OWNER OF LAND & BUILDING: Bharat P. Patel TEL.# \_\_\_\_\_  
ADDRESS OF OWNER: 7 Depot Street  
PERSON(S) WHO WILL UTILIZE PERMIT: Buyer, MLC Homes, LLC  
ADDRESS: 74 Perseverance Path, Plymouth, MA 02360  
DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

This application was received on the date stamped here:

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_  
Tax Collector: \_\_\_\_\_ Date: \_\_\_\_\_  
Planning/Zoning Dept.: \_\_\_\_\_ Date: \_\_\_\_\_  
Application fee paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_  
Advertising fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ Receipt: \_\_\_\_\_  
Abutters fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ 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: Robert R. Pellegrini, Attorney for MLC Homes, LLC

Applicant's Address: 63 Main St., Ste 1, Bridgewater, MA 02324

Telephone Number: 508-807-1131

Cell Phone Number: 508-254-0034

Email Address: rpellegrini@pkboston.com

Address of Property/Project: 7 Depot Street

Landowner's Name: Bharat P. Patel DBA Atlantic Motel

Owner's Address: 7 Depot St., Wareham, MA 02538

Telephone Number: 508-776-5485

Contact Person: Bharat Patel Telephone Number: Same

Map 129 Lot 1152 Zone CS

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

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

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

QUITCLAIM DEED

I, Thomas Gallagher, Trustee of ATLANTIC MOTEL REALTY TRUST, under Declaration of Trust dated December 29, 1993, recorded at Plymouth County Registry of Deeds on March 28, 1994 in Book 12758, Page 122, of 77 Leicester Road, Belmont, MA 02178, for consideration of Four Hundred Forty-three Thousand (\$443,000.00) Dollars paid, grant to Bharat P. Patel of 78 Hillcrest Street, Waltham, MA 02154, with QUITCLAIM COVENANTS, the land in Wareham, Plymouth County, Massachusetts with the buildings thereon, sometimes known as 2859 Cranberry Highway, Wareham, Massachusetts and being situated on the Northeasterly side of Route 6 and 28 East and on the Northwesterly side of Depot Street, being shown as Parcel "B" on a plan entitled "Plan of Subdivision Woodchips Motor Inn, Inc., Wareham, MA Scale: 1" equals 20' Date: Oct. 1975 M & S Engineering Associates, 802 Onset Ave., Onset, MA" recorded with Plymouth County Registry of Deeds, Plan No. 786 of 1975, Book 18, Page 714, bounded and described as follows:

- SOUTHWESTERLY by Route 6 & 28 East, in two courses, as shown on said plan, 131.25 feet, more or less and 188.75 feet, more or less;
- NORTHWESTERLY by land of B.P.O.E. of Wareham, Inc. as shown on said plan, in two courses, 100.00 feet, more or less, and 91.50 feet, more or less;
- NORTHEASTERLY by Parcel "A", as shown on said plan 178.50 feet, more or less;
- SOUTHEASTERLY by land of Kenneth & Doris Stuart and land of Antonia M. Besso, as shown on said plan, 112.53 feet, more or less;
- NORTHEASTERLY by land of Antonia M. Besso, as shown on said plan, 138.00 feet; and
- SOUTHEASTERLY by Depot Street, as shown on said plan, 70.00 feet, more or less.

Containing 43,240 square feet, more or less.

The above premises are conveyed subject to an easement granted to New England Telephone & Telegraph Company dated February 9, 1976, recorded with Plymouth County Registry of Deeds in Book 4136, Page 702.

The premises are conveyed subject to and with the benefit of any easement, restriction and agreement of record.

For title see deed of Thomas Gallagher et ux to Thomas Gallagher, Trustee of Atlantic Motel Realty Trust dated December 29, 1993 recorded in said Registry, Book 12758, Page 130.

WITNESS my hand and seal this 24<sup>th</sup> day of May, 1995.

Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
25 MAY 1995 10:31AM  
JOHN D. RIDDAN  
REGISTER  
BK 13593 Pg 103

ATLANTIC MOTEL REALTY TRUST  
By:

*Thomas Gallagher (Trustee)*  
Thomas Gallagher (Trustee)

TAX 2020.08  
CHCK 2020.08

0474A000 10:14  
EXCISE TAX

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS: May 24, 1995  
Then personally appeared the above named Thomas Gallagher, Trustee as aforesaid and under oath acknowledged the foregoing instrument to be the Trust's free act and deed, before me,

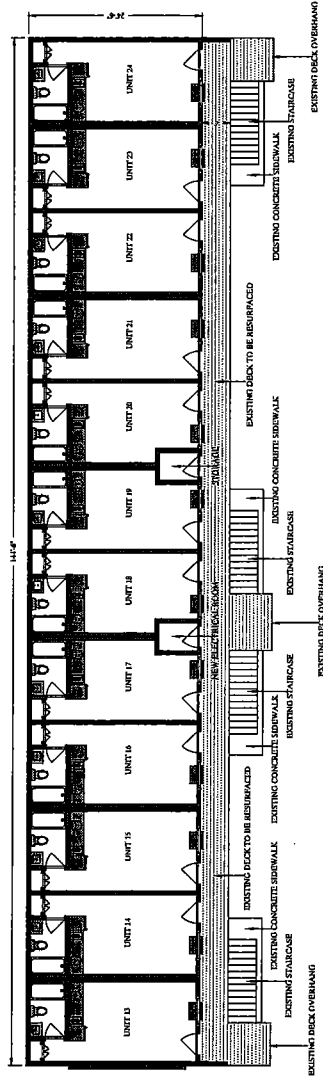
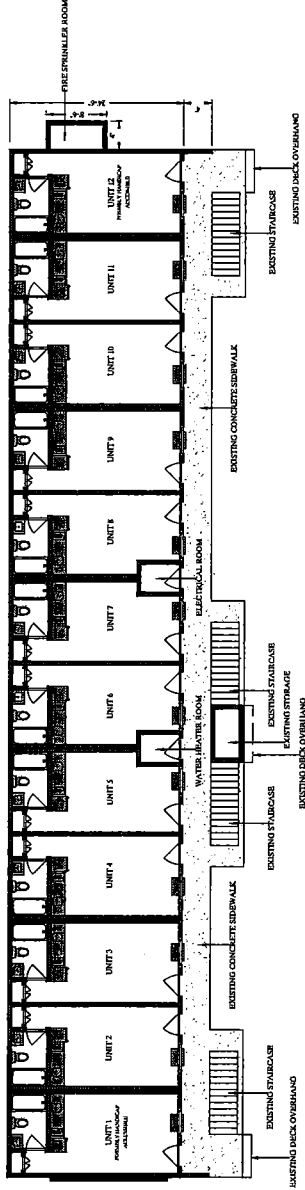
*George C. Decas*  
Notary Public:

My Commission Expires:  
December 2, 1999

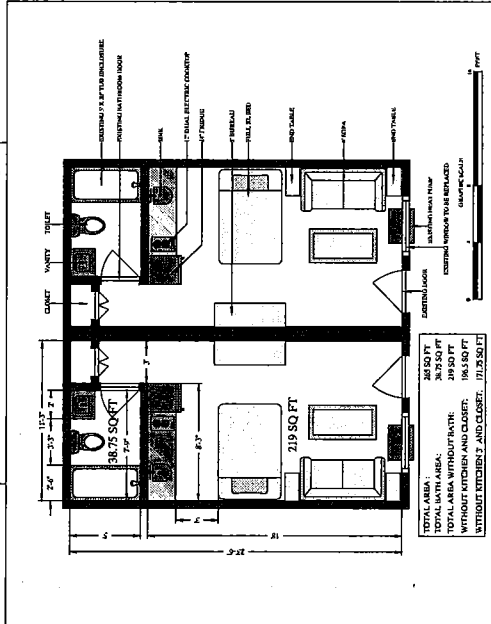
George C. Decas

← END OF INSTRUMENT →

CANCELLED



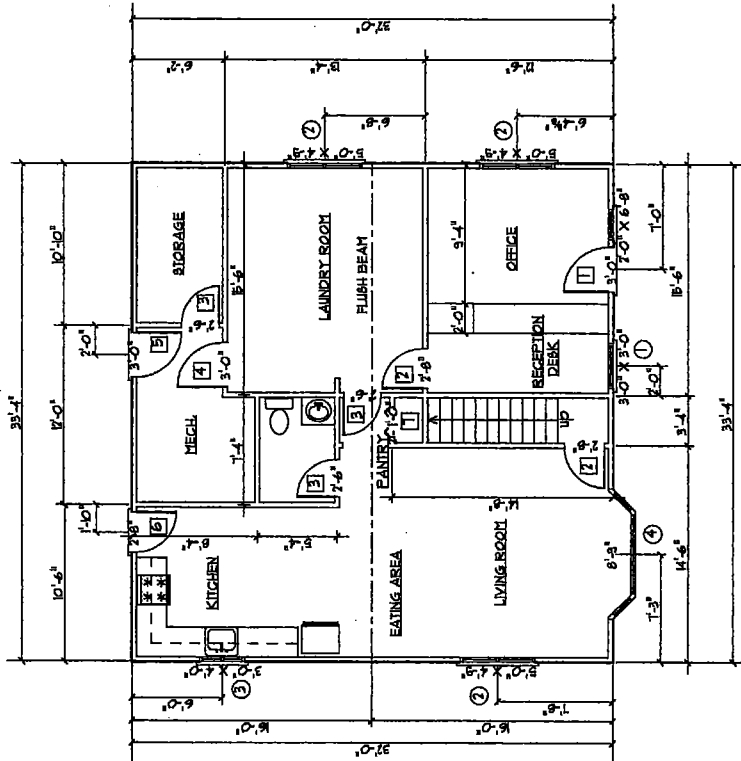
**STANDARD ROOM LAYOUT**



- GENERAL NOTES**
1. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND UTILITIES AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE DESIGNER.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES BY NOTING DISCREPANCIES AT LEAST 24 HOURS PRIOR TO ANY EXCAVATION.
  3. THE CONTRACTOR SHALL CONDUCT PRELIMINARY INVESTIGATIONS AND TESTING PRIOR TO ANY EXCAVATION. ANY CHANGES TO THE PLAN CAN BE DONE AS SHOWN ON THE PLAN. CHANGES MAY BE MADE AS LONG AS THEY DO NOT AFFECT THE STRUCTURAL INTEGRITY OF THE BUILDING OR THE PROTECTING ALL LINES DURING CONSTRUCTION.
  4. ALL EXISTING UTILITIES MAY NOT BE SHOWN ON THE DRAWING. THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR DETERMINING THE LOCATION OF ALL UTILITIES AND FOR PROTECTING ALL LINES DURING CONSTRUCTION.
  5. ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL REGULATIONS.

TOTAL AREA:	38,75 SQ. FT.
AREA WITH KITCHEN AND CLOSET:	19,580 SQ. FT.
WITHOUT KITCHEN AND CLOSET:	17,175 SQ. FT.

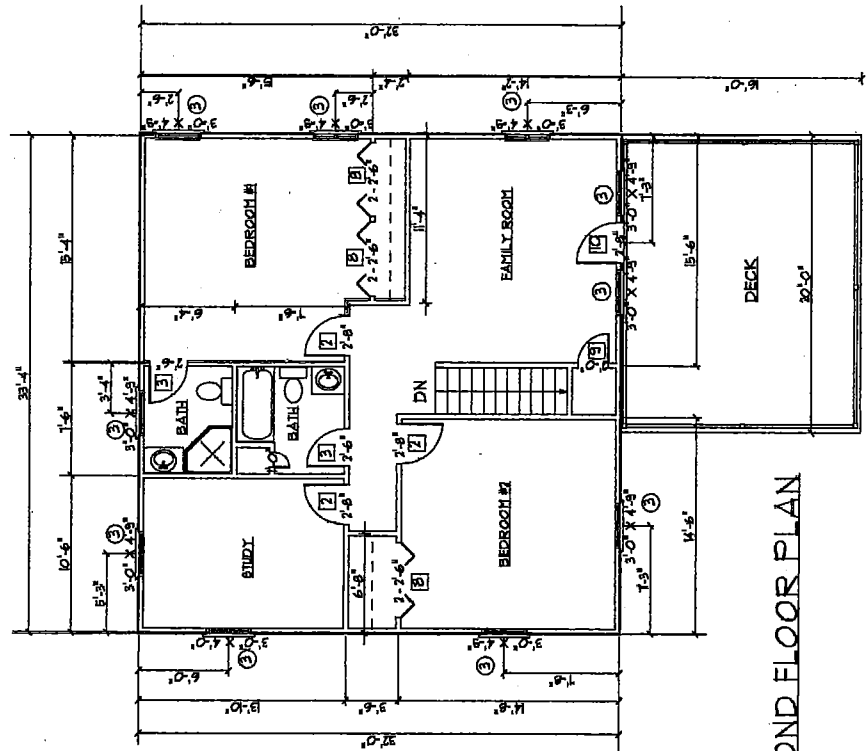
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN

TYPICAL EXTERIOR WALL:

- HORIZONTAL VINYL SIDING
- 1" PAR HOUSE DRIFT
- 1/2" EXTERIOR SHEATHING
- 2" X 6" STUDS @ 16" O.C.
- HEADERS / DOUBLE 2" X 12" W/ 1/2" PLY WD
- R-13 HIGH DENSITY BATT INSULATION
- 5/8" POLY VAPOR BARRIER
- 5/8" DRYWALL W/ TAPE SPACKLED WITH SMOOTH FINISH
- PAINT INTERIOR 3 COATS
- FIRE PROOF ALL WALL PENETRATIONS



SECOND FLOOR PLAN

TYPICAL FLOOR SYSTEM

- FINISH FLOORING (SEE ROOM FINISH SCHEDULE 1)
- 3/4" T&G FLYWOOD SUBFLOOR SCREWEED
- GULLED TO
- 2" X 12" FLOOR JOISTS @ 16" O.C.
- 2" X 12" SOLID BRIDGING
- SOLID WOOD FIRE BLOCKING
- DOUBLE FLOOR JOISTS UNDER PARTITIONS
- EXTERIOR WALLS
- (BASEMENT FL.) R-13 BATT INSULATION
- FIRE PROOF ALL FLOOR PENETRATIONS

TYPICAL DECK

- 1 1/2" X 12" P.T. JOISTS @ 16" O.C.
- 1/2" 3" PRESSURE TREATED DECKING
- SUPPORTED BY 6" X 8" P.T. POSTS
- ATTACHED TO 12" DIAMETER CONCRETE PIERS
- 4" BELOW GRADE & RESTING ON UNDISTURBED SOIL

\* GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO ORDERING MATERIALS & STARTING CONSTRUCTION ANY DISCREPANCIES SHALL BE BROUGHT TO OWNER'S ATTENTION

ATLANTIC MOTEL MANAGERS UNIT / OFFICE

SCALE 1/8" = 1'-0" DRAWN BY CD CALHOUN

DATE 3/2/85

THE FLOOR PLANS

ARCHITECTURALS

81 BACHER DRIVE, BOURNE MA 02532 508-853-5706







APPLICANT: **Robert R Pellegrini, Esq.** (attorney for MLC Homes, LLC)

### **SPECIAL PERMIT NARRATIVE**

- 1. Applicant:** MLC Homes, LLC is under a conditional agreement to purchase.
- 2. Owner:** Bharat P. Patel dba Atlantic Motel
- 3. Property:** 7 Depot Street Assessor's Map 129, Lot 1152
- 4. Current Use:** "Motels—transient in nature" – not permitted by the bylaws.
- 5. Zoning:** Strip Commercial
- 6. Proposed Use:** "Residential R-2 (apartments)."
- 7. Project Description:**

MLC Homes ("MLC"), a Plymouth-based company, is asking to convert the current "transient in nature Motel" (a use not permitted by the bylaws) to "residential apartments" (a use permitted by special permit). This application is coming before the ZBA due to the building inspector's denial letter that is included with this application. While the initial discussion with the planner were focused on the filing of a LIP filing (Local Initiative Program) or "friendly 40B", the project was so well received at the pre-application review that the applicant was led to believe that the additional process would be unnecessary.

Soon after Mike Curadossi (MLC's founder) walked this site, he envisioned this property being able to provide subsidized housing to veterans and other similarly situated locals who struggle to afford housing. In order to accomplish this, Mike began a partnership with the Wareham Housing Authority which is excited to be able to offer these low-cost units to its constituents, as you can see from the included memorandum of understanding<sup>1</sup>. The housing authority will be staffing the office and managing the property.

There are currently 24 units in the larger building, each consisting of 219 square feet and all currently available for rent to transient guests. The current use is not an allowed use under the Bylaw.<sup>2</sup> The applicant proposes to convert the existing use to Residential R-2 apartments, which is allowed by special permit from the Zoning Board of Appeals (hereinafter, "ZBA"). The units will be renovated but the floor plans will generally remain the same; minor changes to the walkway

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<sup>1</sup> See attached letter from the Housing Authority

<sup>2</sup> Although use as a "motel" is permitted under the Bylaw, the current use as a transient-in-nature use is not permitted under the bylaw.

decks/stairs and a small fire sprinkler room are required to bring them up to current building code requirements.

The smaller building is currently used as a single-family residence with four bedrooms and an office. This 4-bedroom apartment and office use and floor plan will remain the same. The Wareham Housing Authority will utilize this office and manage the property from this location.

Access is provided via a full access driveway off Depot Street and will remain unchanged. As you enter the property, the existing parking spaces to the north and south shall remain in place. The existing pool and surrounding concrete and paved aprons will be removed and replaced with grass (substantially increasing permeable surface) and serve as an outdoor recreation area available to the tenants (refer to Site Plans).

The improvements to the “motel” building include a facelift of the entire front side of the building (new siding, windows, railing and decking), which will enhance the overall visual appeal of the property; required emergency services/fire code requirements include the addition of a small fire sprinkler room on the north side of the building, a new fire department connection at the front of the building and widened stairways to the second floor. The “office” building will benefit from all new decking, railing and roof. The parking lot will be repaired and resurfaced.

Signs: the large Atlantic Motel sign along Route 6 & 28 will be removed. The motel sign on Depot Street will be replaced later, so this smaller sign is not part of the applicant’s current request (applicant is aware that signage must be approved by Inspectional Services at a later date).

Parking: 40 parking spaces are required based on the intended use per the zoning bylaw. 41 spaces are provided.

There are site photos provided on the Existing Conditions Plan, which include notations of where each photo was taken on the property.

The applicant and project team attended a pre-application meeting on December 7, 2022, at which time we received comments from the constabulary, including but not limited to the Planner, Water Director, Fire Department, Inspectional Services, EMS director and Selectmen. Comments included:

- Request to add grinder pump before wastewater leaves the site (Water) – **added**;
- In addition to proposed fire sprinkler addition, add a new fire department connection at front-center of building using a dry 4” line (Fire)—**added**;
- Include at least 3-feet of clearance for hydrant hookup (Fire)—**added**;
- Consider locating H/C parking space in front of new Fire Department connection to maximize clearance (Fire)—**added**;
- Provide a turning movement path analysis for emergency vehicle (Fire)—**added**<sup>3</sup>;

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<sup>3</sup> See sheet 3 of site plans, where 2 parking spaces will be striped as fire lane to allow optimum turning movement for the fire truck.



- Check width of stairways accessing second floor of “apartment” building to ensure proper access (EMS)—**added-width will meet or exceed code;**
- Work with the municipality to add subsidized housing to local housing stock (Selectmen)—**Wareham Housing Authority will be managing the property.**

The ZBA is the only board that will be conducting a public hearing for this project.

## **8. Relief Requested – Special Permit(s)**

(A) **Special Permit:** Under §320 (use table) the applicant is requesting a special permit for “5+ family dwelling in existing structures”.

(B) **Special Permit:** Under §340.4, in a dwelling consisting of five or more separate family dwelling units, each unit shall contain a minimum of 650 square feet of livable floor space. The motel units that the applicant is asking to convert from a “motel” use to an “apartment” use consist of 212 square feet.

- a. The existing use does NOT meet the bylaw’s definition of “Motel” in that the current use is of a transient nature and kitchen facilities are provided. There is an extensive history surrounding the illegal use.
- b. The applicant is proposing a use allowed by special permit according to §320.

(C) **Special Permit:** §623 requires a minimum lot size of 515,000 square feet; however, the existing lot is 46,818 square feet.

- a. The current “motel” use requires a minimum lot size of 69,000 square feet; therefore, the lot is pre-existing non-conforming as to size.
- b. Since §1461 permits the ZBA to hear and decide applications for all changes, alterations, or extensions of a nonconforming structure or use, the applicant requests a Special Permit.

### **Special Permits**

Under §1461 of the Bylaw, all of the following conditions must be met in order for the ZBA to approve a request for Special Permit:

1. The Use will not adversely affect the neighborhood;
  - The applicant respectfully submits that the use, as proposed, will be an improvement to the neighborhood.
2. The site is an appropriate location for the use, structure or condition;
  - The applicant respectfully submits that its proposal saves an existing structure that is currently being used in a way that is contrary to the Bylaw and the best interest of the Town. It believes that reusing existing buildings provides a mindful and thoughtful project that will revitalize the site, bring the use into conformance with the Bylaw and will allow this reuse without unnecessarily wasting the existing resource. Perhaps of most

- significance, it is providing subsidized housing to those who most need and deserve it in a location that is conveniently located to town services and retail establishments that can support its residents, while also improving the neighborhood.
3. There will be no nuisance or serious hazard to vehicles or pedestrians;
    - There will be a fairly similar impact to vehicles and pedestrians as the current use. If anything, the situation should be slightly improved.
  4. Adequate and appropriate facilities will be providing for the proper operation of the use.
    - Site and building improvements are proposed that decrease impervious areas (pool and concrete/paved areas will be removed) and increase public safety by removing the in-ground pool and adding fire sprinklers and increase access for emergency services. This property will benefit from management from the Wareham Housing Authority.
  5. The use does not pose a substantial detriment to the town or neighborhood;
    - The applicant respectfully believes that a proposed transition to an allowed use is a positive for the town and neighborhood.
    - The applicant proposes a reuse of an existing building and of an existing non-conforming lot. Although this project would require additional relief if it were new construction, the applicant believes the appropriate relief can be granted via Special Permit and that its requests, if granted, provide an overall benefit to the Town and its inhabitants.
  6. The proposal conforms to all other applicable provisions of the Bylaw.

Based on the above specifications, the Applicant requests that the Zoning Board of Appeals consider its application for Site Plan Review and Special Permits.

Respectfully submitted,  
MLC Homes, LLC

By: 

Robert R. Pellegrini, Esq., its attorney  
63 Main Street, Suite 1  
Bridgewater, Massachusetts 02324  
Tel. (508) 807-1131  
E-mail: [rpellegrini@pkboston.com](mailto:rpellegrini@pkboston.com)

Attachments



**WAREHAM HOUSING AUTHORITY**

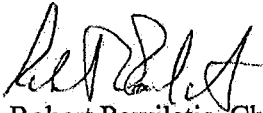
57 Sandwich Road  
Wareham, Massachusetts 02571  
(508) 295-8031  
(508)-291-2148  
[warehamha@gmail.com](mailto:warehamha@gmail.com)

May 10, 2022

Dear Mike Curadossi,

Thank you for your attendance at our meeting to discuss working together for administration of you motel conversions. We are willing to enter into a memorandum of understanding to manage those state and federal subsidized units at those approved fees.

Sincerely,



Robert Powilatis, Chairman

For the Board

C: Board of Commissioners



**TOWN of WAREHAM**  
*Massachusetts*  
**BUILDING DEPARTMENT**

Paul Turner  
Director of Inspectional Services

January 17, 2023

Attorney Robert Pellegrini  
2 Sebastian Lane  
South Dartmouth, Massachusetts 02748

**RE: 7 Depot Street/ Map 129, Lot 1152**

I have reviewed your Building Permit application B-23-11 to "change the Use from a motel to apartments" at 7 Depot Street, Wareham, Massachusetts.

Your application is being denied at this time under the following sections of the current Wareham Zoning By-Laws:

**Article 3: Use Regulations;**

**320 Table of Principal Use Regulations, Residential Uses,  
5+ family dwelling in existing structures**

**340.4 Residential Uses, 5 or more family dwelling**

A dwelling containing five or more separate family dwelling units, each unit containing a minimum of 650 square feet of livable floor space, exclusive of closets and bathrooms, each unit sharing a common demising wall, floor or ceiling, with its neighbors.

**Article 6: Density and Dimensional Regulations;**

**623 Commercial Districts, CS, Minimum Lot Area (square feet), and Minimum Side Setback (feet).**

The Use of the structure is being changed from Residential Group R-1, Motels (transient in nature) to Residential R-2, Apartments. The project is creating twenty-four new apartments in an existing structure. The apartment units as proposed only contain approximately 32% of the required floor area for apartments in a five family or more. The proposed apartments contain approximately 212 square feet of floor space exclusive of the bathroom and closet, far less than 650 square feet required as per zoning. The land area of the site is approximately 9% of the required land area for the total number of units proposed. The site has 46,818 square feet and by zoning it is required to have 515,000 square feet.

Therefore, a Variance and or a Special Permit must be secured from the Zoning Board of Appeals in order to proceed with your request.

The subject dwelling is located in CS Zoning district.

Respectfully,

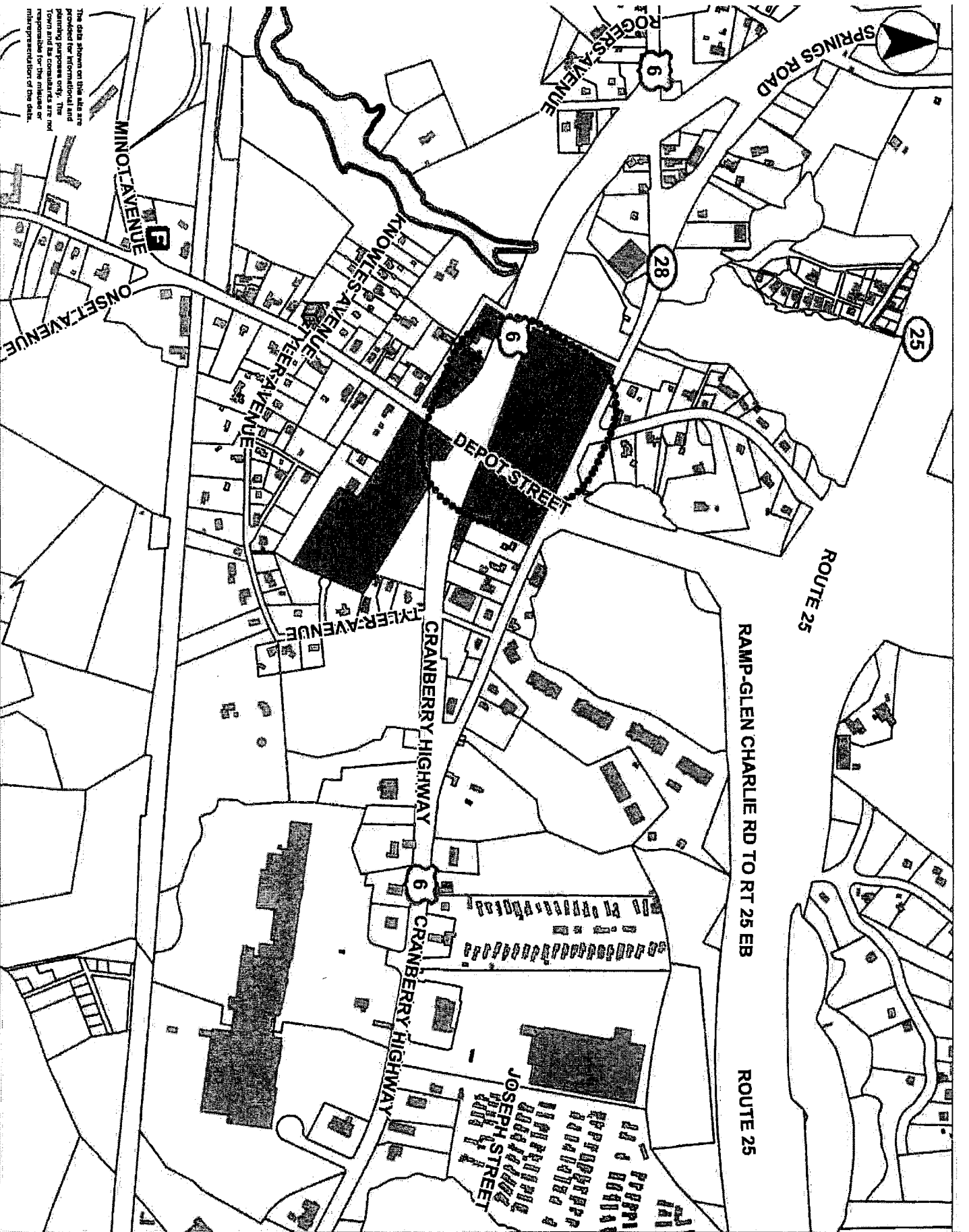
Paul E. Turner  
Building Commissioner  
Zoning Enforcement Officer

**It is the owners' responsibility to check with other departments 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.**







The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

800  
1600 ft

Printed on 01/03/2023 at 12:40 PM

MapsOnline by PeopleGIS





Larissa Larrivee &lt;llarrivee@pkboston.com&gt;

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**7 Depot ST**

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Danielle Camboia <DCamboia@wareham.ma.us>  
To: "llarrivee@pkboston.com" <llarrivee@pkboston.com>

Tue, Jan 17, 2023 at 11:42 AM

Good Morning,

Attached is the summary for 7 Depot St. Have a great day!

Thanks


Danielle

**Disclaimer**

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 **SKM\_300i23011712380.pdf**  
41K

Account: 3158  
 Levy: 2023  
 Parcel: 129-1152  
 Record Owner: PATEL BHARAT P  
 Location: 7 DEPOT ST  
 Balance: \$2,504.34

Debits										
Name	BillingDate	DueDate	Billed	Credits	Remainder	Interest	TotalDue	PerDiem		
Quarterly Preliminary	7/1/2022	8/1/2022	\$2,880.86	\$2,880.86	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.000
Quarterly Preliminary	10/1/2022	11/1/2022	\$2,880.85	\$2,881.96	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.000
Quarterly Actual	1/1/2023	2/1/2023	\$2,504.34	\$0.00	\$2,504.34	\$0.00	\$2,504.34	\$0.00	\$2,504.34	\$0.000
Quarterly Actual	4/1/2023	5/1/2023	\$2,504.32	\$0.00	\$2,504.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.000
<b>Grand Total</b>			<b>\$10,770.37</b>	<b>\$5,762.82</b>	<b>\$5,008.66</b>	<b>\$0.00</b>	<b>\$2,504.34</b>	<b>\$</b>	<b>0.000</b>	

Transactions									
Name	Eff. Date	Post Date	Batch	Total	Tax	Liens	Fees	Interest	Comments
Payment	7/28/2022	8/1/2022	ty Hall Systems	\$2,880.86	\$2,880.86	\$0.00	\$0.00	\$0.00	\$0.00 Lockbox
Payment	11/2/2022	11/7/2022	ty Hall Systems	\$2,881.96	\$2,880.85	\$0.00	\$0.00	\$1.11	\$1.11 Lockbox
<b>Grand Total</b>				<b>\$5,762.82</b>	<b>\$5,761.71</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1.11</b>	