

Wareham Zoning Board Application for a Special Permit
Petitioners: James and Cheryl Enos
Property: 41 Riverside Drive, Wareham, MA
Parcel ID MAP 11
Plot: 265

MEMORANDUM IN SUPPORT OF
PETITION FOR A SPECIAL PERMIT

The Petitioners, James and Cheryl Enos are the owners of 41 Riverside Drive in Wareham. This property has been in the family for many years. The Petitioners would like to make this their permanent home. To do so they propose to raze the existing prior non-conforming one story home and build a new two story home on what is essentially the same footprint. They believe that the proposed changes to the home are in keeping with Section 1355 of the Wareham Zoning By-law as the new home is in harmony with the surrounding homes and would not be detrimental to the neighborhood in any manner.

Section 1355 of the Wareham By-law allow for an applicant to be granted a Special Permit to demolish a prior non-conforming home and replace it with a new providing that four conditions are met. Those conditions are as follows:

- 1. The replacement structure will not be substantially more detrimental to the neighborhood than the existing structure.***

The existing home is a one story single family home that is surrounded by other two story single family homes. The existing home stands on a footprint of 1,610 S.F while the new home in the same location will stand on a footprint of only 1,360 S.F.. That would be a reduction in the footprint of 250 S.F. The height of the home would be 25 feet (10 feet less than allowed) which is essentially the height of the other surrounding single family homes.

The Petitioners have received an Order of Conditions from the Wareham Conservation Commission that addresses all coastal storm management issues. Also, roof drainage on the property will be retained onsite in underground chambers.

- 2. The replacement of the structure will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning district or town.***

The home will remain a single family residence. As the plans show, the existing driveway on the southerly side of the home will be removed and there will be only one driveway to the southeast side of the home. As previously noted, all roof drainage will now be retained onsite.

The new home will meet all building regulations for properties in a coastal zone. This will result in an improvement overall of the conditions of the existing home which could not meet current building standards.

The existing home lies within the flood zone. The new home will be 2.5 to 3.0 **above** the flood zone.

3. The replacement structure will not intensify any of the following existing non-conformities: building coverage, impervious coverage or setback encroachment.

The building coverage is proposed to be 250 S.F less than the existing coverage on the lot. This is a significant improvement to the existing non-conformity of the lot coverage.

The impervious coverage is also less than what is existing on the lot. Additionally, the removal of the driveway on the southerly side of the home will increase green space.

The new size and design of the home improves on the existing setback encroachments as the footprint has been reduced by 250 S.F.

4. The replacement structure will not create any new non-conformities.

Although the FAR ratio is intensified under Article 6, Table 628, the actual increase is considered “de minimis” in that the height of the proposed structure does not exceed that which is allowed in the district. Furthermore, although there is an increase in floor area, the actual footprint is smaller, a decrease which significantly offsets any increase in floor area. This is further offset by improvements to the site relative to Conservation Commission requirements and the onsite drainage improvements.

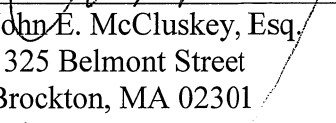
SPECIAL PERMIT STANDARDS

M.G.L. ch. 40A Sec. 9 allows for the Board of Appeals to grant a special permit when it finds that the desired use is ***“in harmony with the general purpose and intent of the ordinance ..., and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards and limitations on the time or use”***. The standards for a special permit to raze an existing structure and construct a new home under the Wareham By-law are consistent with state law. As the structure will not be ***“substantially more detrimental to the neighborhood”***, a Special Permit is the appropriate relief in the present case.

CONCLUSION

As the Petitioners are proposing to construct a single family home that will improve upon the conditions in existence with the existing home and the neighborhood, the standards meet all of the Special Permit requirements and should be granted.

Respectfully Submitted,
James and Cheryl Enos
By their Attorney,



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Date: November 17, 2020

Enos Special Permit Memorandum Wareham 2020