



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Director of Inspectional Services

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James Enos  
31 Harvestwood Drive  
West Bridgewater, MA 02379

November 4, 2020

**RE:** 41 Riverside Drive

I have reviewed your application to raze your existing dwelling and reconstruct a new dwelling on the same site. Your proposal does not comply with current zoning requirements for the R-30 zoning district and must be denied at this time.

Your proposal to raze and reconstruct your lawfully pre-existing non-conforming single family dwelling is an increase to the non-conforming nature as you are increasing the height of the structure within the non-conforming footprint, and increasing the floor area ratio from 30.60% to 51.70% where 25% is permitted. The site plan clearly shows an improvement to the front, side, and rear setbacks; however, a number of them remain non-conforming and will require a Special Permit from the Zoning Board of Appeals. If the Zoning Board finds that the proposed structure will be substantially more detrimental to the neighborhood, or that it doesn't comply with the listed criteria in section 1355, a Variance will be required (*zbl §1356*).

The submitted permit application documents which include a site plan by Outback Engineering labeled "OE-3300" comprised of one page dated "Revised : July 9, 2020" and the architectural drawings by ASAP Engineering & Design, labeled "Enos Residence" comprised of 18 pages and dated July 8, 2020, are being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 628, Existing small lots in Residential Districts,** You are intensifying a pre-existing non-conforming F.A.R. from 30.60% to 51.70% where 25% is permitted. A Special Permit from the Zoning Board is required to proceed.
- **Article 13, Section 1355, Non-conforming Structures,** You may, by Special Permit, raze and reconstruct a lawfully non-conforming single or two family residential structure on the same site provided the Zoning Board of Appeals confirms compliance with the provisions set forth in section 1355 of the Zoning By-law. If the Board finds that the proposal is substantially more detrimental to the neighborhood, or that it does not meet the standards of section 1355, a Variance will be required.

The subject dwelling is located in the R-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.**