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December 7, 2021

Town of Wareham
Planning Board
Attn: Mr. Richard Swenson, Chairman
54 Marion Road
Wareham, MA 02571

RE: Maritime Haven – Response to Peer Review
7 Lot Definitive Subdivision Plan
36, 42, and 48 Robinwood Road
Shape Factor Waiver: Lots 48 & 52

Dear Chairman Swenson,

On behalf of RESI, LLC., please accept this letter which supplements G.A.F. Engineering Inc.'s letter pertaining to the above-referenced development including responses to Charles L. Rowley's comments and updated list of waiver requests.

This letter pertains to a waiver request from Section 615 "Lot Shape Factor" of the Towns Zoning Bylaws. Said lots in question are identified on the submitted plans as lots 48 and 52. Attached to this letter for your convenience is a copy of Section 615 "Lot Shape Factor," illustrations which show the zones in question with potential housing locations as well as plans of recent projects which were granted waivers from Section 615.

Section 615 sets out a standard by which a circle with a set diameter must be shown on plans for new lots within the Town of Wareham. Most municipalities have a Bylaw or Ordinance pertaining to "shape factor" which is similar to Section 615. The goal of such Bylaw is to ensure that new lots are of regular shape and are not too thin, too long, or irregularly shaped which would result in a lack of uniformity in the community.

Section 615 requires that the diameter of the circle within the lot be not less than the frontage requirements of the zoning district which is applicable. The lots in question require a circle of not less than 180' diameter.

Section 615 requires that the land within the Circle be buildable upland, which is the basis for our waiver request.

The Bylaw does provide for waivers from Section 615 and the criteria are as follows:

In cases where the Planning Board believes that proposed lots do not meet the Lot Shape Factor criteria and will not be detrimental to the intent of this regulation, the Planning Board has the authority to waive this requirement.

The standard applied by the Bylaw is that the waiver will not be detrimental to the intent of the bylaw. We respectfully submit that this waiver request is not detrimental to the intent of the Bylaw as the lots in question are uniform in size and shape, consist of a high percentage of contiguous upland on which a home could be situated, and meet all other applicable zoning criteria.

Furthermore, upon review of similar projects and plans, the Board has in the past granted waivers when the circle included areas of wetlands or otherwise non-buildable areas. We hope that the two illustrations that are attached to this letter help illustrate one the uniformity of shape of the lots but more importantly the extent of contiguous upland which they encompass. The areas of wetland or limited activity zone within each lot do not inhibit or restrict the placement of a proposed home on the lots. The illustrations show areas where a home could be constructed without the need for any zoning relief.

We respectfully submit that the Bylaw specifically allows for such a waiver, and this Board has previously granted similar waivers for other developments in Town and that the granting of the waiver as requested does not deviate from the intent of the By-Law.

We trust the foregoing is sufficient for your immediate needs as we look forward to discussing this project with the Board.

Respectfully,

A handwritten signature in dark ink, appearing to read 'T. P. Gay Jr.', written in a cursive style.

Thomas P. Gay Jr., Esq

Cc: RESI, LLC
G.A.F. Engineering Inc

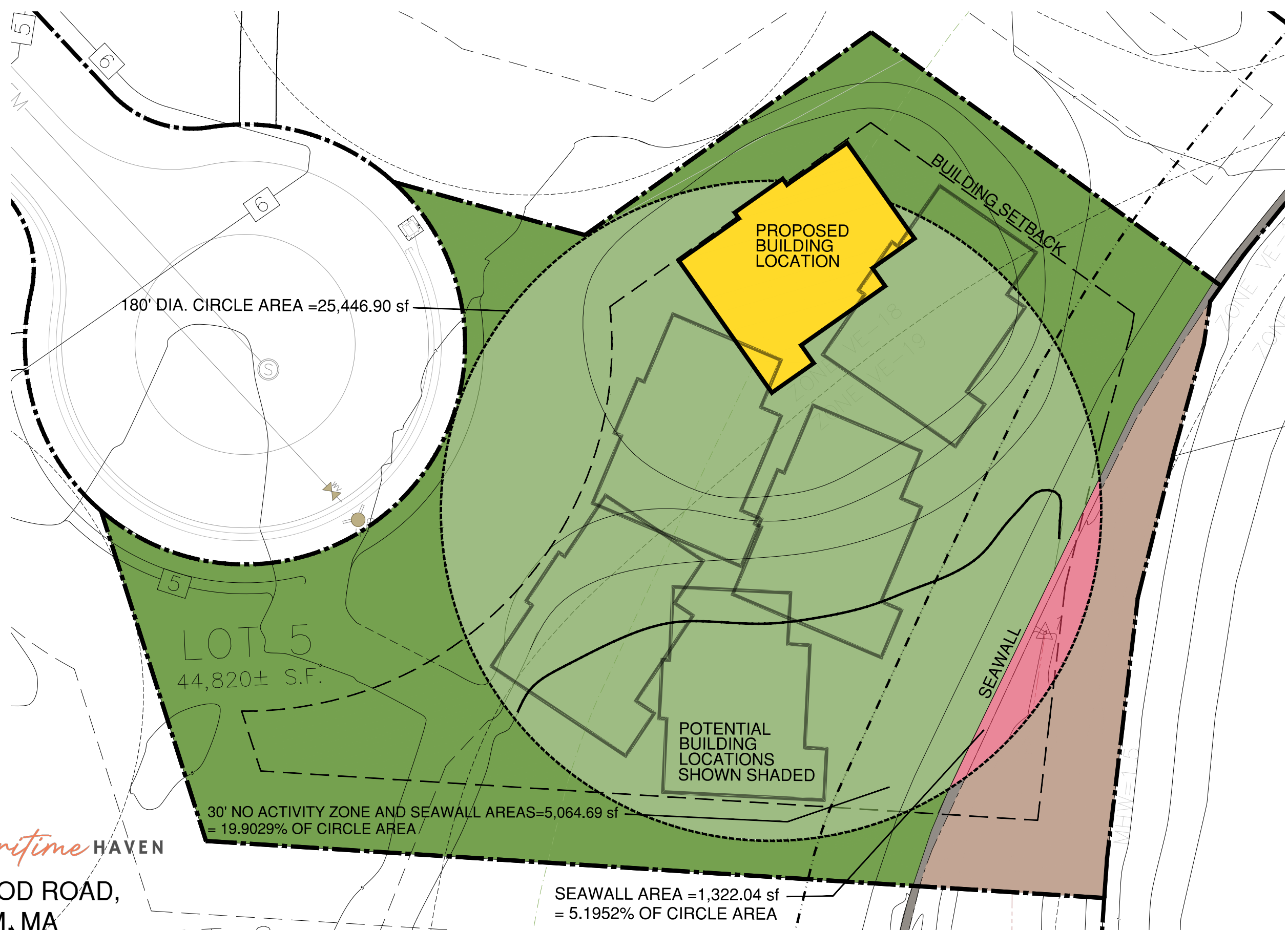
Town of Wareham Zoning By-Law

Section 615 “Lot Shape Factor”

615 LOT SHAPE FACTOR

All lots created for building purposes after the effective date of this By-Law shall be shaped so that they can contain within the buildable upland area a circle of a diameter, not less than the frontage requirements of the zoning district within which the lot is located. In addition, any portion of a lot, which is narrower in width than thirty feet, shall not be counted toward the required lot area. In cases where the Planning Board believes that proposed lots do not meet the Lot Shape Factor criteria and will not be detrimental to the intent of this regulation, the Planning Board has the authority to waive this requirement, (added October 25, 2004)

Illustrations Pertaining to Lot 48 and 52



ROBINWOOD ROAD,
WAREHAM, MA
SITE PLAN

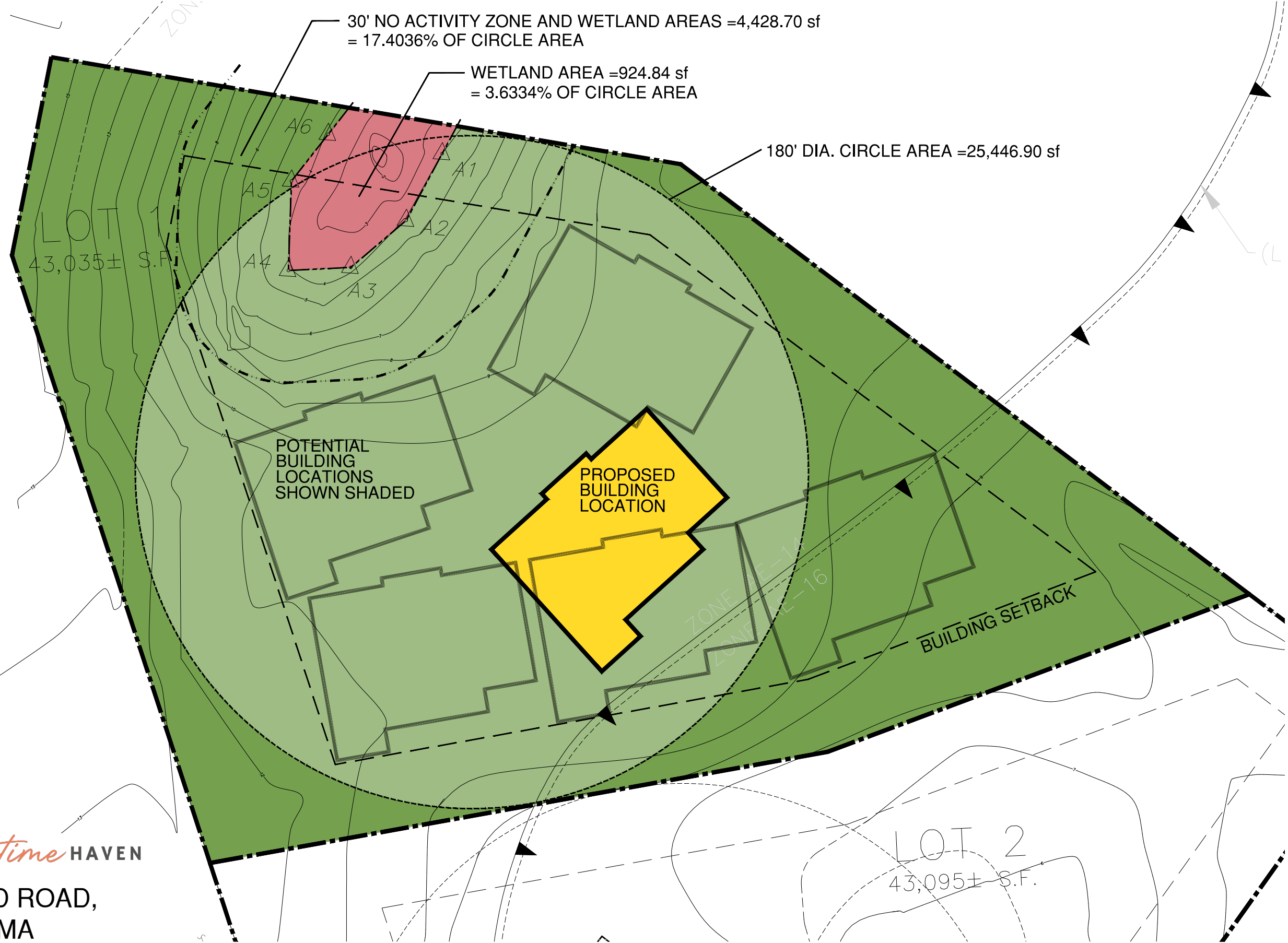
DATE: NOVEMBER-16-2021
FILE: PRESENTATION SITE PLAN.dwg

SCALE: 1" = 10'-0"



ARCHITECTURE
DESIGN
PLANNING
CONSULTING

318 MAIN STREET
NORTHBOROUGH, MA 01532
TEL. 508-877-4444
FAX. 508-877-4474



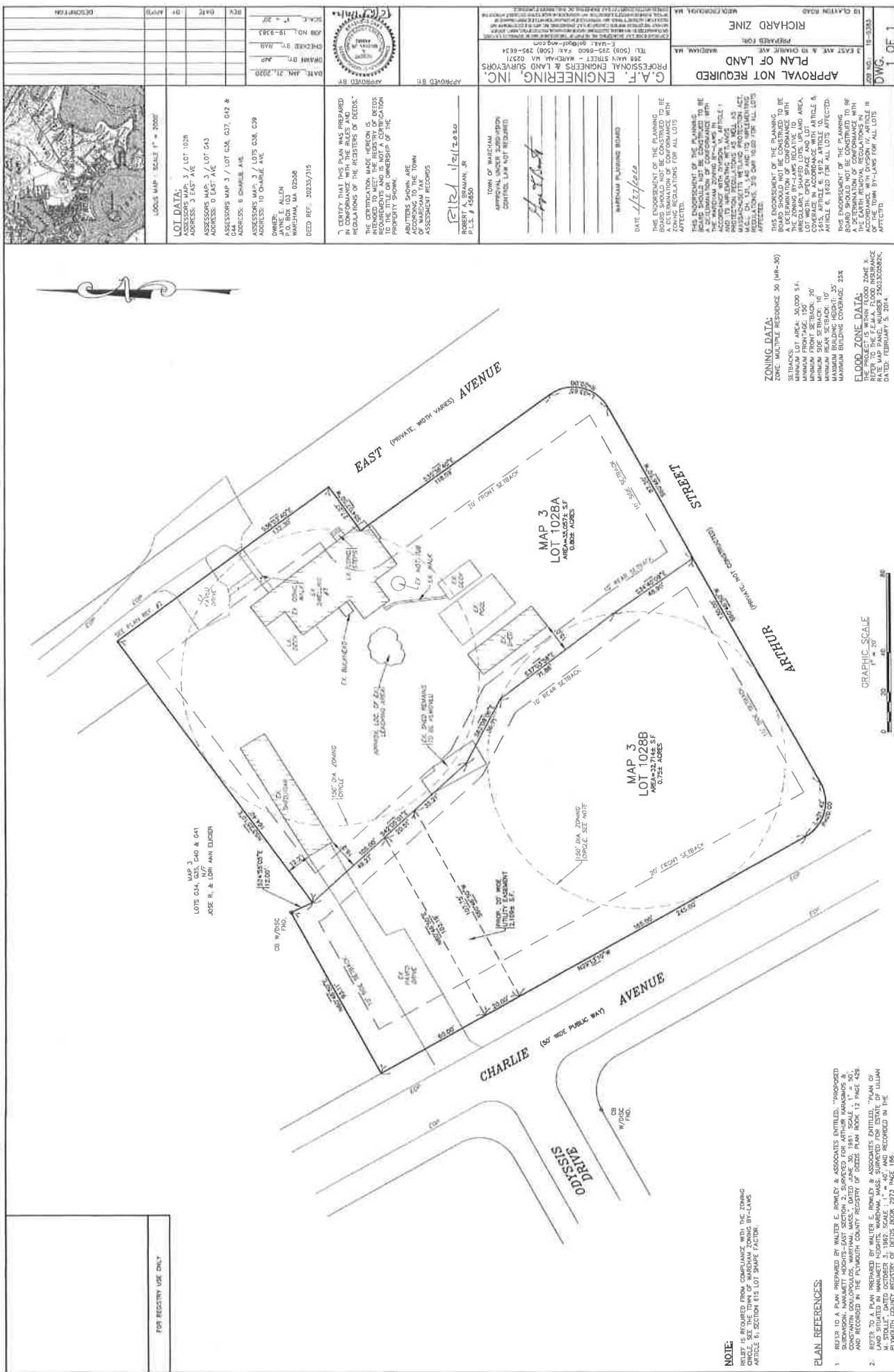
ROBINWOOD ROAD,
WAREHAM, MA
SITE PLAN

DATE: NOVEMBER-16-2021
FILE: PRESENTATION SITE PLAN.dwg

SCALE: 1" = 10'-0"



Previous Waivers Granted by Board



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Customer No.	Account No.	Invoice No.	Invoice Date	Invoice Amount	Payment Date	Payment Amount	Balance Due
100001	100001	100001	2000-01-01	1000.00	2000-01-15	500.00	500.00
100002	100002	100002	2000-01-01	2000.00	2000-01-15	1000.00	1000.00
100003	100003	100003	2000-01-01	3000.00	2000-01-15	1500.00	1500.00
100004	100004	100004	2000-01-01	4000.00	2000-01-15	2000.00	2000.00
100005	100005	100005	2000-01-01	5000.00	2000-01-15	2500.00	2500.00
100006	100006	100006	2000-01-01	6000.00	2000-01-15	3000.00	3000.00
100007	100007	100007	2000-01-01	7000.00	2000-01-15	3500.00	3500.00
100008	100008	100008	2000-01-01	8000.00	2000-01-15	4000.00	4000.00
100009	100009	100009	2000-01-01	9000.00	2000-01-15	4500.00	4500.00
100010	100010	100010	2000-01-01	10000.00	2000-01-15	5000.00	5000.00

I CERTIFY THAT THIS PLAN HAS
BEEN PREPARED IN CONFORMANCE
WITH THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS.

File

John T. Dwyer

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Plumarch County Registry of Deeds
 PLAS BOOK 63 PAGE 333

OWNERS

Assessors Map 43 Lot 1070 C
 #136 Miral Avenue
 Assessors Map 43 Lot 1074
 #124 Miral Avenue
 Lot 11 Rocky Road Realty Trust
 Lawrence Hill and Brian McAnn
 Trustees
 Deed Book 35191 Page 290

Assessors Map 43 Lot 1072
 Off Miral Avenue
 Lot 11 Rocky Road Realty Trust and
 Geoff Nicks and William Nicks
 Deed Book 50091 Page 279 & 281
 Deed Book 50091 Page 285 & 287
 Plus Book 2 Page 105

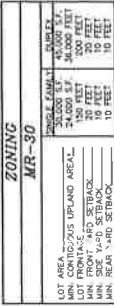
PLAN OF LAND
ON
MINOT AVENUE
IN
WAREHAM,
MASSACHUSETTS

Outback Engineering
Incorporated

165 EAST GROVE STREET
MIDDLEBOROUGH, MA 02346
TEL: (508)-946-9231
FAX: (508)-947-8873
www.rulback-eng.com

DATE: FEBRUARY 18, 2019
SCALE: 1"=40' PROJECT No. 1240
DRAWN BY: TCM CHECKED BY: FJB
FORMA2019-02-18 SHEET 1 OF 1
0' 40' 80' 120'

119-97



"ALL LOTS CREATED FOR BUILDING PURPOSES SHALL BE SHARED SO THAT THE LOT AREA OF THE BUILDING PURPOSES SHALL BE AT LEAST 10 PERCENT LESS THAN THE REQUIRED MINIMUM REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THE LOT IS LOCATED.

LOCUS MAP
1" = 1,000'



APPROVED _____
ENDORSED DATE _____

1