#### THE LAW OFFICES OF BELLO & MORTON, LLC

184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

September 13, 2023

Wareham Zoning Board of Appeals 54 Maron Road Wareham, MA 02571

Re: Variance Application for Wareham Housing Authority, Property Located at 57 Sandwich Road, Wareham, MA 02571; Assessor's Map 45, Lot 1015

Dear Members of the Board of Appeals:

Please find enclosed the following information and exhibits:

1. Petitioner and Record Owner:

Wareham Housing Authority 57 Sandwich Road, Apt. 51 Wareham, MA 02571

2. Current Deed:

Plymouth County Registry of Deeds Book 57515, Page 104, Deed attached as Exhibit A.

3. Building Inspector's Denial Letter:

Denial Letter attached here as <u>Exhibit B</u> from the Building Commissioner indicating a Variance from the Zoning Board of Appeal is necessary.

4. Certified Abutters List:

Copy Attached as Exhibit C.

5. Floor Plan:

Copy Attached as Exhibit D.

#### 6. Proposed Site Plan:

Copy Attached as Exhibit E.

7. Letter in Support of Petition:

Copies Attached as Exhibit F.

8. Letter in Support of Petition:

Dear Board of Appeals,

The attached Variance request in front of you is being denied due to Density regulations in the Wareham Zoning ByLaws. The property itself is 229,561 square feet in area. There are preexisting nonconformity of units on the site which are controlled by the Wareham Housing Authority and provides housing for low seniors.

Our Bylaw does not define "Elder Housing" or "Wareham Housing Authority." Therefore, Building Commissioner rightly denied due to area of the units 527 square feet (Article 3 Use Regulations) and size of the lot (Article 6 Density)

The additional two duplex units needed Community Preservation Funds and thus the Town voted yes to the Article to approve these additional units. The 4 additional units will be a great benefit to the capacity on this site for Seniors, disabled and low-income persons.

The Wareham Housing Authority currently has over 700 people on the waiting list. There is not question there is an affordable housing crisis.

The Variance meets the Chapter 40A standards as the lot is unit in that the existing development is on the lot which is "porkchop" in shape and has a great deal of frontage but not depth.

The WHA has owned this lot since the 1960s. These two units would be a welcomed addition to the project and would solidify the Town of Wareham's vote to have Community Preservation Funds allocated for this project. This is a unique situation where a quasi- governmental agency is seeking Variance from the By-Laws for the good of the residences and the Town.

We ask that this Variance be approved.

Respectfully submitted,

JILIAN A. MORTON, ESQ.

508-295-2522

#### 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:

- o Complete this form.
- o 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:57 Sandwich RoadLC	OT: <u>1015</u> MAP: <u>45</u>
ZONING DISTRICT: MR-30	
USE REQUESTED: Construct two duplexes	
OWNER OF LAND & BUILDING: Wareham Housing	
ADDRESS OF OWNER: 57 Sandwich Rd., Apt. 51	
PERSON(S) WHO WILL UTILIZE PERMIT: Wareham	Housing Authority
ADDRESS: 57 Sandwich Rd., Apt. 51, Wareham	MA 02571
date: 9/13/23 signature:	
This application was received on the date stamped here:	WARTHAN TOWN OF FRE
	WAREHAM TOWN CLERK 2023 OCT 12 PM5:15
Town Clerk: Date:	2023 061 12 (83.23
Tax Collector: Jathy King Date:	9/13/23
Planning/Zoning Dept.: 5brok Rapose Date:	10/12/23
Application fee paid: Walved Check #:	Receipt:
Advertising fee paid:	Receipt:
Abutters fee paid: 406.80 Check # 5165	Receipt:

#### TOWN OF WAREHAM

#### APPLICANT/CONTRACTOR/REPRESENATIVE INFORMATION SHEET

Check One: X	VarianceSpecial PermitSite PlanAppeal
Date stamped in:	Date decision is due
Applicant's Name:	Bradley Bertolo
Applicant's Address:	c/o Jilian Morton, Esq., 184 Main Street, Wareham, MA 0257
Telephone Number:	508-295-2522
Cell Phone Number:	
Email Address:	jam@mortonlawllc.com
Address of Property/P	roject: <u>57 Sandwich Road, Wareham, MA</u>
Landowner's Name:	Wareham Housing Authority
Owner's Address:	57 Sandwich Rd., Apt. 51, Wareham, MA 02571
Telephone Number: _	N/A
Contact Person:	Jilian Morton, Esq. Telephone Number: 508-295-2522
Map45	Lot 1015 Zone MR-30
Date Approved	Date Denied
Comments:	

## **EXHIBIT** A

Approved as to form

#### ANNEX "A"

**小人们3.M**点似

A certain parcel of land situated on the Southerly side of Sandwich Road in Wareham, Plymouth County, Massachusetts more fully bounded and described

Beginning at a concrete bound in the Southerly line of Sandwich Road, a Mass. State Highway (Route # 6), at the northeasterly corner of land now or formerly of John J. and Julia A. Peelo;

3104

2 8 5

#278 BB. 310H

Plan

286

thence North 70° 23' 42" East by the Southerly line of the said Sandwich Road, 569.66 feet to a Mass. Highway Bound;

thence North, 70° 27' 51" East still by the Southerly line of the said Sandwich Road, 200.98 feet to a concrete bound at the Northwesterly corner of land now or formerly of Emma Matthews;

thence South, 35° 43' 20" West, 101.99 feet to a concrete bound;

thence South, 43° 25' 20" West, 193.83 feet to a concrete bound;

thence South, 33° 25' 20" West, 319.07 feet to a concrete bound, the last three bearings and distances being by land of Emma Matthews, said concrete bound last mentioned being a common bound of the lands of Emma Matthews and Willard A. and June 5. Bryant and also the Northwesterly corner of land of Earle N. Churbuck;

thence South, 16° 18' 20" West by a stone wall and last named land, 259.42 feet to a concrete bound in the Northerly line of Indian Neck Road;

thence Westerly by a curve deflecting to the left by the Northerly line of the said Indian Neck Road, said curve having a radius of 205.00 feet and a length of 180.18 feet measured on the arc;

thence South, 87° 16' 12" West still by the Northerly line of the said Indian Neck Road, 79.97 feet to a concrete bound at the Southeasterly corner of land now or formerly of Doris Openshaw;

thence North, 19° 36' 18" West by last named land and land now or formerly of Leonard O. and Sarah J. Heap, 247.29 feet to a concrete bound and land now or formerly of Edward J. Jr. and Lillian Tamagini;

thence North, 70° 23' 42" East by the said last named land, 18.84 feet to a concrete bound at the Southeasterly corner of said last named land;

thence North, 17° 43' 18" West by the said last named land, 35.93 feet to a concrete bound at the Southwesterly corner of land of the aforementioned John J and Julia A. Peelo;

thence North, 70° 23' 42" East by the last named land, 75.00 feet to a concrete bound at the Southeasterly corner of said last named land;

thence North, 17° 43' 18" West by the said last named land, 125.00 feet to the point of beginning.

Containing 5.28 acres more or less.

Absent:

None

Said premises are shown on a Plan of Land entitled, "Property Line Map surveyed for Wareham Housing Authority, Wareham, Mass.", which Plan is to be recorded with this Order of Taking in the Plymouth County Registry of Deeds.

e recorded with thi	s Order of Taking In the Plymouth County Reg
EXTR	ACTS FROM THE MINUTES OF A SPECIAL
MEBI	ING OF THE WAREHAM HOUSING AUTHORIT
HELD	ON WEDNESDAY, APRIL 29, 1964
The members	of the <u>Wareham</u> Housing Authorit
met in special	session atthe Town Hall, i
the Town ofW	areham , Massachusetts
at 7:00 o'cloc	k, P. M. on Wednesday, April 29, 1964.
The meeting	was called to order by the Chairman, and
upon roll call, t	hose present and absent were as follows:
Present:	George F. Wilson
	Harry E. Drake
	Ethel P. Nicholson
	Elmer C. Lake
	Winston H. Cushman

THE NOTICE OF SPECIAL MEETING with the CERTIFICATION AS TO SERVICE OF NOTICE OF SPECIAL MEETING attached thereto, and the WAIVER OF NOTICE OF AND CONSENT TO SPECIAL MEETING, as signed by the members of said Authority, were read and ordered spread upon the minutes of this special meeting and filed for record.

#### NOTICE OF SPECIAL MEETING

10:	George F. Wilson	
	Harry E. Drake	
	Ethel P. Nicholson	_
	Elmer C. Lake	

You are hereby notified that the members of the Wareham Housing Authority are called to meet in special session at 7:00 P. M., on Wednesday, April 29, 1964 at the Town Hall, in the Town of Wareham for the following purposes:

- 1. To consider a resolution authorizing the Chairman to sign an "Order of Taking" by eminent domain of the proposed site of the Housing for the Elderly Project 667-1.
  - 2. To approve the payment of bills.

Wareham Housing Authority

By: Wington A. Cashman (Chairman)

Dated: April 28, 1964

SHB #43A December 15, 1948

CERTIFICATES AS TO SERVICE OF NOTICE OF SPECIAL MEETING

I, Winston N. Justineau, the duly appointed,
qualified and acting Chairman of the Waseleau.

Housing Authority, hereby certify that on April 28, 1964

I served, in the manner provided in the By-Laws of said Authority,
upon each of the members of said Authority named in the foregoing

Notice of Special Meeting, a true and correct copy of said Notice
of Special Meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this

29.44.

day of April 1964.

Winston N. Johnson
Chairman

3104

287

WAIVER OF NOTICE OF, AND CONSENT TO, SPECIAL MEETING We, the undersigned, constituting all of the members of the 3104 Housing Authority, hereby accept service of the foregoing NOTICE OF SPECIAL MEETING, waiving any and all 288 irregularities in such service and in said NOTICE OF SPECIAL MEETING, and we do hereby consent and agree that the said members of said Authority shall meet at the time and place named in said NOTICE OF SPECIAL MEETING and for the purposes stated therein. The following resolution was introduced by Attorney C. Trafton \_, read in full and considered: Mendall Be it resolved by the Wareham Housing Authority that taking by eminent domain of the proposed site of Housing for the Elderly Project 667-1 is necessary for the purposes of such Project and the Chairman is hereby authorized to sign an "Order of Taking" for such land on behalf of this Authority; that a copy of the Order of Taking be annexed hereto and made a part of the minutes of this meeting; and that a copy of so much of the minutes of this meeting as relate to this resolution be annexed to the Original Order of Taking and recorded with such Order of Taking in the Plymouth County Registry of Deeds. George F. Wilson moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Elmer C. Lake and upon roll call the ayes and nays were as follows: Nays Ayes None George F. Wilson Harry E. Drake Ethel P. Nicholson Elmer C. Lake Winston H. Cushman The Chairman thereupon declared said motion carried and resolution adopted. ATTACHMENT (NO. 1) CERTIFICATE I, the undersigned, the duly appointed, qualified and acting Secretary of the Wareham (Housing) Authority do hereby certify: THAT the attached extract from the Minutes of the special meeting of the members of said Authority held on Wednesday, April 29, 1964 , is a true and correct copy of the

original Minutes of said Meeting on file and of record insofar as said
original Minutes relate to the matters set forth in said attached
extract; and
THAT on the date of this Meeting each member present and voting
was a resident of the Town of Wareham; and
THAT each member appointed or elected since May 30, 1955 who
was present and voting at this Meeting was not on the date of this
Meeting, a tenant in a public housing project operated by said
Authority; and
THAT notice of such meeting was duly filed more than twenty-four
hours prior thereto with the fown Clerk of the Town of Wareham
in accordance with the requirements of section 23A of Chapter 39 of
the General Laws, as amended. (Chapter 626, Acts 1958)
IN WITNESS WHEREOF, I have hereunto set my hand and the seal
of said Authority thisthirtieth_day of April, 1964
200 6 2 Secretary
ATTACHMENT (No. 2)
A copy of the NOTICE OF MEETING, pursuant to Section 23A of Chapter 39 of the General Laws, with the CERTIFICATE AS TO SERVICE OF NOTICE OF MEETING attached thereto was read and ordered spread upon the minutes of this meeting and filed for record.
NOTICE OF MEETING
Notice is hereby given in accordance with Section 23A of Chapter 39
of General Laws that a meeting of the <u>Wareham</u> Housing Authority
will be held at 7:00 o'clock P. M. on April 29, 1964 at
the Town Hall in the Town of Wareham
Housing Authority
April 28, 1964 Month Day Year
Month Day Year  By: /s/ Winston H. Cushman Winston H. Cushman
TITLE: Chairman
CERTIFICATE AS TO SERVICE OF NOTICE OF MEETING
(Sec. 23A, Chapter 39, General Laws)
I, Winston H. Cushman , the duly appointed, qualified and
acting Chairman of Wareham Housing Authority
do hereby certify that on Wednesday, April
I filed, in the manner provided by

	Town
	Sec. 23A, Chapter 39, General Laws, with the Clerk of the Town
3104	of Wareham , A NOTICE OF
ξ	THEFTING of which the foregoing is a true and correct copy.
290	TRETIMONY WHEREOF, I have hereunto set my hand and the seal of
	seld-Au-thority this 30th day of April 1964
	- 1 三 20 1 東 2 東 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
	Winsten W. Cushina
	No Notes
	ATTACHMENT (No. 3)
	CLERK'S CERTIFICATE
	I, TONY BACCHIERI, hereby certify:
	that I am the duly appointed, qualified and acting Clerk of the
	(Town) of Wareham wherein the
	Wareham Housing Authority has been appointed
	Wareham Rousing Authority has been appointed
	and
	1. That a notice of a meeting of said Wareham
	Housing Authority, a copy of which notice is annexed hereto, to be
	held at 7:00 P.M. on Wednesday , April 29, 1964
	was filed with me at least twenty-four hours prior to the stated
	time of said meeting; and
	2. That I immediately caused (a copy of) the said notice of
	meeting to be posted publicly (in my office) (on the principal
	official bulletin board of said Town of Wareham .)
	3. That the posting of the above notice was made pursuant to
	the provisions of Section 23A of Chapter 39 of the General Laws of
	Massachusetts as amended (C. 626, Acts 1958).
	Clerk
	Dated: Wareham, Massachusetts
	April 20
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## EXHIBIT B

## STATE OF THE STATE

#### TOWN of WAREHAM

#### Massachusetts

#### **BUILDING DEPARTMENT**

Paul Turner Director of Inspectional Services

August 16, 2023

Mr. Bradley Bertolo 2854 Cranberry Highway East Wareham, Massachusetts 02538

RE: 57 Sandwich Road / Map 45, Lot 1015

Mr. Berolo,

I have reviewed your Building Permit application B-23-488, submitted August 14, 2023 proposing to construct two (2) duplexes located at 57 Sandwich Road, Wareham, Massachusetts. At this time I must deny your request.

Your application is being denied under the following section of the Wareham Zoning By-Laws:

Article 3: Use Regulations;

340.4 Residential Uses:

5 or more family dwelling

A dwelling containing five or more separate 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.

The proposed unit sizes are 527 square feet of livable floor area, exclusive of closets and bathrooms. The units are approximately 81 percent of the required area.

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

620 Table of Dimensional Regulations

621 Residential Districts

Lot Area;

1-family dwelling	30,000sf
2-family dwelling	45,000sf
Other residential use	20,000sf (for each additional unit)

The existing complex contains 40 dwelling units and with the additional four (4) units the total unit count would be 44. The area requirement calculates to 865,000 square feet for 44 units. The site contains 229,561 square feet, approximately 26.5 percent of the required area.

Therefore, two Variances must be secured from the Zoning Board of Appeals in order to proceed with your application.

The subject dwelling is located in MR-30 zoning district.

Paul E Turner
Building Commissioner

Respectfully,

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.

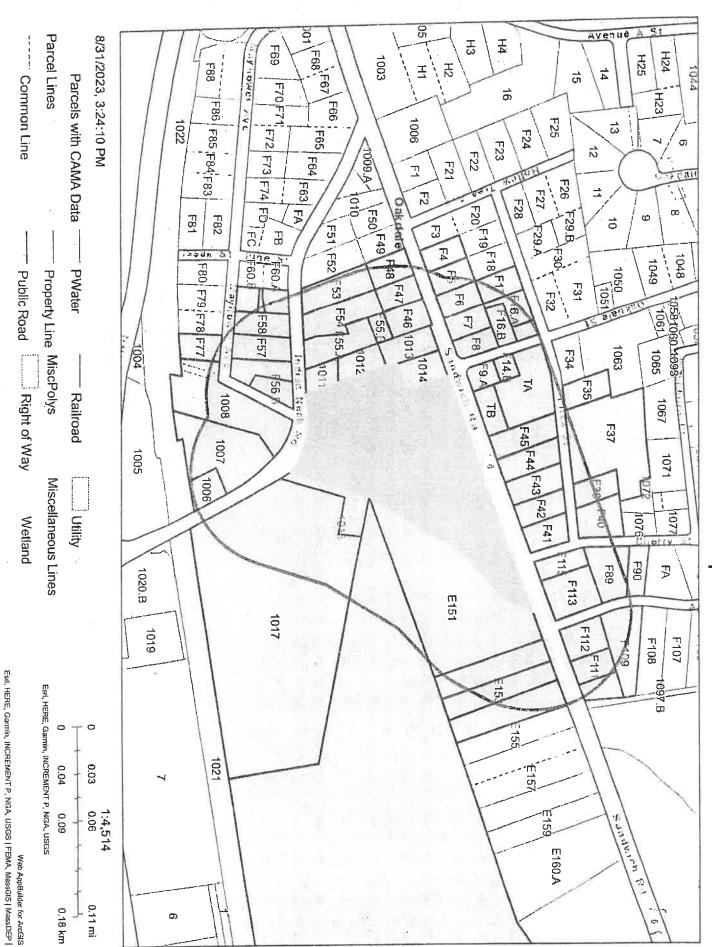
## EXHIBIT C

TOWN OF WAREHAM ABUTTERS
MAP 45 LOT 1015
OWNER WAREHAM HOUSING AUTHORITY

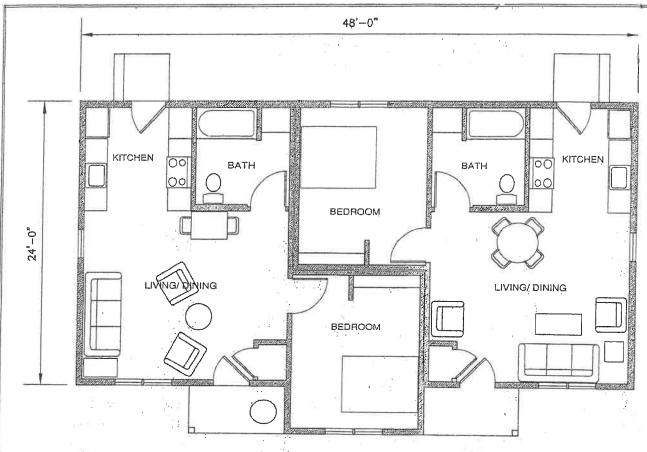
MAP & LOT 134-0-F109 134-0-F113 134-0-F115 134-0-F14.B 134-0-F15 134-0-F16.A	GADBOIS JACOB FILKINS DENNIS J, CAMPINHA KERRY A SR, CAMPINHA DENISE GOMES ROGERS GEORGE K III LOPES ANTHONY D, HOLMES DALE A, HOLMES DANIELLE D	PO BOX 1758 66 SANDWICH RD, PO BOX 422, 1 OAKDALE ST, 7 PIRES ST, 35 SARGENT ST	TOWN & STATE SAGAMORE BCH, MA WAREHAM, MA E WAREHAM, MA WAREHAM, MA WAREHAM, MA WAREHAM, MA WAREHAM, MA	2IP CODE  02558  02571  02538  02571  02571  02571  02169
134-0-F16.B 134-0-F35	CONNOLLY JOSEPH E, CONNOLLY VIRGINIA T MUNSON JAMES, ANDREWS SANDRA L	35 SARGENT ST, PO BOX 10,	QUINCY, MA WAREHAM, MA	02169 02571
134-0-F37	BARROWS PHYLLIS M,	14 PIRES LN,	WAREHAM, MA	02571
134-0-F39	MCGUINNESS JOHN EDWARD, CAITLIN M TRUSTEES  RAPTISTA VERNON I BAPTISTA KATHREN M	6 MORNING MIST LANE,	BOURNE, MA	02532
134-0-F41	ELLIS FRANCIS E SR, ELLIS BETH M	PO BOX 516,	CARVER, MA	02330
134-0-F42	YUPPPY PUPPY LC  BABBOWS DONAID N. & DEARLE TRES OF THE BARBOWS FAM INJUG TR	14 MARKS COVE RD	WAREHAM, MA	02571 95757
134-0-F5	SMITH MARK E,	PO BOX 5555,	SPRING HILL, FL	34611
134-0-F6	MADEIRA JOSE O, MADEIRA NATALIA	147 BRIDLE RD,	BILLERICA, MA	01821
134-0-F7	GANETO ELSIE M LIFE ESTATE,	44 SANDWICH RD,	WAREHAM, MA	02571
134-0-F8 134-0-F89	BARNETT PAUL A JR.	3 CHERRY ST,	WAREHAM, MA	02571
134-0-F9.A	VARGAS PEDRO J, VARGAS KAREN J TRUSTEES	48 SANDWICH RD,	WAREHAM, MA	02571
134-0-F90	SILVA JOSE LUIS, SILVA LUCIA F	106 RIVER ST,	HUDSON, MA	01749
134-0-TA	TEXIERA STEVEN J, TEXIERA CARLA G	3 OAKDALE ST,	WAREHAM, MA	02571
45-0-1006	LECONTE JEFFREY G, LECONTE CAMMIE	29 INDIAN NECK RD,	WAREHAM, MA	02571
45-0-1007	CORNWELL CARL W, CORNWELL BARBARA L	25 INDIAN NECK RD,	WAREHAM, MA	02571
45-0-1008	ZAMORA ROBERT A JR,	17 MAYFLOWER AVE,	WAREHAM, MA	02571
45-0-1011	ANDREWS KELLEY J,		WAREHAM, MA	02571
45-0-1012	SCOTT MARKHAM,	16 INDIAN NECK RD OFF,	WAREHAM, MA	02571
45-0-1013	DAMAS REALTY LLC,	16 SCARLET COURT,	NO EASTON, MA	02356
45-0-1014	B AND N BROWN REALTY LLC,	1 WINDHAM CIR	CANTON, MA	02021

WAREHAM HOUSING AUTHORITY,  MCCOMBE TIMOTHY M CONLON TRUSTEE, SUSAN MCCOMBE IRREV TR  LEONARD ELIZABETH A, C/O PRISCILLA MANN  ELIS FRANCIS E JR,  CAMPINIA,  MATHEWS EMMA,  DAMAS REALTY LLC,  SPROLES ANGELE M,  COPPOLINO DEBRA A,  DOUBRA A,  DAUPHINAIS LINDA J,  DETRIE CYNTHIA D,  FIDDANZA ANDREW,  MATHEWS THEODORE F JR,  POOLER JAMES E JR, POOLER KRISTINA  LEONARD BETRAL SUSAN MCCOMBE IRREV TR  26 INDIAN NECK RD,  MAREHAM, MA  62 SILVA ST,  CARVER, MA  79 SANDWICH RD,  WAREHAM, MA  39 SANDWICH RD,  WAREHAM, MA  10 INDIAN NECK RD,  WAREHAM, MA  11 INDIAN NECK RD,  WAREHAM, MA  12 INDIAN NECK RD,  WAREHAM, MA  13 INDIAN NECK RD,  WAREHAM, MA  15 INDIAN NECK RD,  WAREHAM, MA  17 INDIAN NECK RD,  WAREHAM, MA  18 IN
7T51,
WAREHAM, MA WAREHAM, MA DUNSTABLE, MA CARVER, MA WAREHAM, MA

# ArcGIS Web Map



## EXHIBIT D



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



ARTICLE 10
COMMUNITY PRESERVATION
COMMITTEE

4 NEW HOUSING UNITS FOR THE WAREHAM HOUSING AUTHORITY AT AGAWAM VILLAGE 4.22.19 DRAWING

## EXHIBIT E

## **EXHIBIT F**



### TOWN OF WAREHAM 54 Marion Road Wareham, Massachusetts 02571

Sharon Rice, Director Wareham Council on Aging 508-291-3130

29 August 2023

To whom it may concern,

I am writing to express support for the much-needed additional units approved by voters at Town Meeting for the Wareham Housing Authority's Sandwich Road location. The severe shortage of affordable housing is one of the biggest challenges facing elders today, as the extremely lengthy waiting list for the WHA will attest. As rents continue to rise beyond what many can afford, more and more seniors face the very real risk of homelessness. Increasing the number of units available through the WHA will help both current and future Wareham seniors, and this is a very welcome initiative that will provide for Wareham seniors for decades to come.

Sincerely,

Sharon Rice Director

Wareham Council on Aging

Hum like