
THE LAW OFFICES OF BELLO & MORTON, LLC

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

January 11, 2024

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

Re: Variance Application for Richard Zine, Property Located at 10 Charlie Avenue,
Wareham, MA; Assessor's Map 3, Lot 1028B

Dear Members of the Board of Appeals:

Please find enclosed the following information and exhibits:

1. Petitioner:

Richard Zine
10 Charlie Road
P.O. Box 145 |
Onset, MA 02558

2. Record Owner:

Richard M. Zine & Sharon L. Zine
10 Charlie Avenue
Wareham, MA

3. Current Deed:

Plymouth County Registry of Deeds Book 52495, Page 224.

Deed attached as Exhibit A.

4. Building Inspector's Denial Letter:

Denial Letter from the Building Commissioner attached as Exhibit B.

5. Certified Abutters List:

Copy Attached as Exhibit C.

6. Floor & Elevation Plans:

Copy Attached as Exhibit D.

7. Signatures in Support of Petition:

Copies Attached as Exhibit E.

I represent the Zine family in this project to add to their existing residence an addition of a 24 X 28 one level slab with a single bedroom in law apartment for his mother. There will be a living space bathroom and small kitchenette as well.

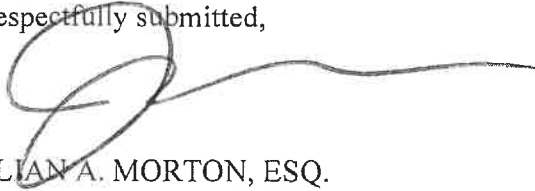
My client is in need of this Variance in order to have space for his mother which is wife is her full-time caretaker. This would be an extreme hardship to the Zines if this is unable to be built. As we all know the cost of nursing homes, and assisted living facilities are astronomical. The Zines are in the position whereas they can care for their loved one at home. We have included the signatures in support of this project and do feel it is not a determine to the neighborhood. The shape of the lot is a factor for the variance as it has a tremendous amount of frontage and width laterally to connect the existing porch with the addition.

MR -30 does allow for 2 family by right and increased density in their area. Due to the fact there is a porch walkway in between the houses it creates as the Building Commissioner says technically a second unit. We are of the opinion that trying to construct a demising wall to the existed build is both esthetically unpleasing and impracticable. Ms. Zine takes care of their mother daily so having a separate entrance with a duplex feel with no togetherness does not work.

We are asking the Board to consider the nature of the circumstances here seeing that there is no neighborhood objection, that they are in support of the project, and it is being built in a district that allows two family development.

All in all, a Variance is warranted in this case whereas the continuation of the farmers porch to the in-law unit is both practically and esthetically pleasing. We ask the board to approve.

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:

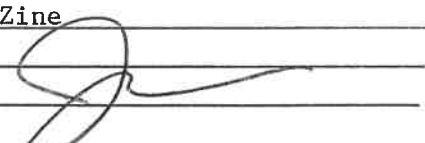
- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o Submit completed form, packets, and appropriate fees** to the Zoning Board of 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: 10 Charlie Avenue LOT: 1028B MAP: 3
ZONING DISTRICT: MR-30
USE REQUESTED: second principle dwelling
OWNER OF LAND & BUILDING: Richard & Sharon Zine TEL.# 774-454-7539
ADDRESS OF OWNER: 10 Charlie Ave., Wareham, MA
PERSON(S) WHO WILL UTILIZE PERMIT: Richard Zine
ADDRESS: 10 Charlie Avenue, Wareham, MA
DATE: 1/11/24 SIGNATURE: 
This application was received on the date stamped here:

Town Clerk: _____ Date: _____
Tax Collector:  _____ Date: 1-18-24
Planning/Zoning Dept.: Tom Rapozo Date: 1.11.24
Application fee paid: 300.00 Check #: 5319 Receipt: _____
Advertising fee paid: 150.00 Check #: 5318 Receipt: _____
Abutters fee paid: 27.72 Check #: 5324 Receipt: _____

WAREHAM TOWN CLERK
2024 JAN 18 AM 9:42

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: Richard Zine

Applicant's Address: Attorney Jilian Morton, 184 Main St., Wareham, MA 02571

Telephone Number: 508-295-2522

Cell Phone Number: _____

Email Address: jam@mortonlawllc.com

Address of Property/Project: 10 Charlie Avenue, Wareham, MA

Landowner's Name: Richard M. Zine and Sharon L. Zine

Owner's Address: 10 Charlie Avenue, P.O. Box 1451, Onset, MA 02558

Telephone Number: 774-454-7539

Contact Person: Jilian Morton, Esq. Telephone Number: 508-295-2522

Map 3 Lot 1028B Zone MR-30

Date Approved _____ Date Denied _____

Comments: _____

EXHIBIT A



2020 00023907
 Bk: 52495 Pg: 224 Page: 1 of 2
 Recorded: 03/19/2020 12:01 PM
 ATTEST: John R. Buckley, Jr. Register
 Plymouth County Registry of Deeds

① John W. McHughlin
 1135 North Main St
 Brockton, MA 02301

QUITCLAIM DEED

Property Address: 10 Charlie Avenue, Wareham, MA

I, **Jayne E. Allen**, of Wareham, Plymouth County, Massachusetts, 02558 for consideration paid in the amount of Ninety Thousand Dollars (\$90,000.00), grants to **Richard M. Zine and Sharon L. Zine**, as Husband and wife, tenants by the entirety, of 8 Odyssey Drive, Onset, Plymouth County, Massachusetts, 02558, with **Quitclaim Covenants**,

The land in Wareham, Plymouth County, Massachusetts, and being Map3, Lot 1028B, recorded with Plymouth County Registry of Deeds, Plan Book 64 Page 145, Now known as 10 Charlie Avenue, Wareham, Ma., bounded and described as follows:

Beginning on the Northeasterly side of Charlie Avenue at a concrete bound with disk, located 93.11' from Charlie Avenue;

Thence, S 24° 55' 05" E for a distance of 12.00 feet to a point on a line;

Thence S 42° 05' 01" E for a distance of 105.00 feet to a point on a line;

Thence, S 62° 09' 06" E for a distance of 36.71 feet to a point on a line;

Thence, S 37° 03' 58" E for a distance of 71.86 feet to a point on a line;

Thence, S 34° 40' 09" E for a distance of 48.90 feet to a point on a line;

Thence, S 60° 46' 50" W for a distance of 130.00 feet to the beginning of a curve;

CANCELLED

MASSACHUSETTS EXCISE TAX
 Plymouth District ROD #11 1
 Date: 03/19/2020 12:01 PM
 CM# 133253 25530 Doc# 00023907
 Fee: \$410.40 Cons: \$90,000.00

Said curve turning to the right through an angle of 89° 27' 51", having a radius of 20.00 feet, and an arc length of 31.42 feet to a point of intersection with a tangential line;


Thence, N 29° 13' 10" W for a distance of 245.20 feet to a point on a line;

Thence, N 60° 46' 50" E for a distance of 93.11 feet to the concrete bound with disk and point of beginning.

Together with all rights, privileges and easements of record, if any.

For my title see deed recorded with Plymouth County Registry of Deeds in Book 30235, Page 315.

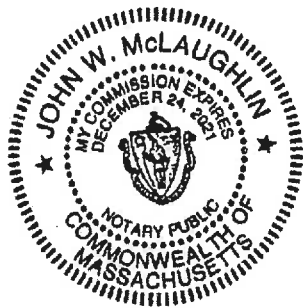
Witness my hand and seal this 18th day of March, 2020.


Jayne E. Allen

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

On this 18th day of March, 2020, before me, the undersigned notary public, personally appeared Jayne E. Allen, proved to me by Massachusetts Driver's License to be the person whose name is signed above, and acknowledged the foregoing deed to be signed by her for its stated purpose.



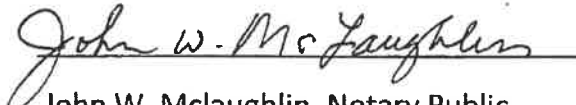

John W. McLaughlin, Notary Public
Commission Expires: 12/24/2021

EXHIBIT B



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul Turner
Director of Inspectional Services

December 13, 2023

Mr. Richard Zine
10 Charlie Avenue
Wareham Massachusetts, 02532

RE: 10 Charlie Avenue / Map 3, Lot 1028B

Mr. Zine,

I have reviewed your Building Permit application B-23-736, submitted December 8, 2023 with a description of work stating "One level slab-1 bedroom 1.5 bathroom, kitchenette, no basement or second floor. It will be attached by a 15' walkway from main house farmer's porch to farmer's porch on new structure" located at 10 Charlie Avenue, Wareham Massachusetts. **Your proposal to construct a second principle structure at the site is not allowed.** You have stated that the structures would be connected by a walkway, by definition this does not create a two-family or an accessory apartment. At this time I must deny your request.

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

Article 6: Density and Dimensional Regulations;

613 ONE PRINCIPAL RESIDENTIAL BUILDING PER LOT

In all districts, not more than one principal residential building with accessory structures having a residential use allowed in the respective district shall be erected, placed or converted on any lot, except where multiple family dwellings, apartments or condominiums are allowed by Special Permit, the Special Permit may provide for more than one principal building.


Accessory Apartment: An accessory apartment is a second dwelling unit located within or attached to a structure originally designed, constructed and occupied as a detached single-family dwelling unit in a manner that maintains the appearance of the structure as detached single-family home.

2-family dwelling: A building containing two dwelling units, sharing a common demising wall, floor or ceiling, constructed on a single lot. Also known as a duplex.

Therefore, a **Variance** must be secured from the Zoning Board of Appeals in order to proceed with your application.

The subject project is located in the MR-30 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.

EXHIBIT C

TOWN OF WAREHAM ABUTTERS
 MAP 3 LOT 1028/B

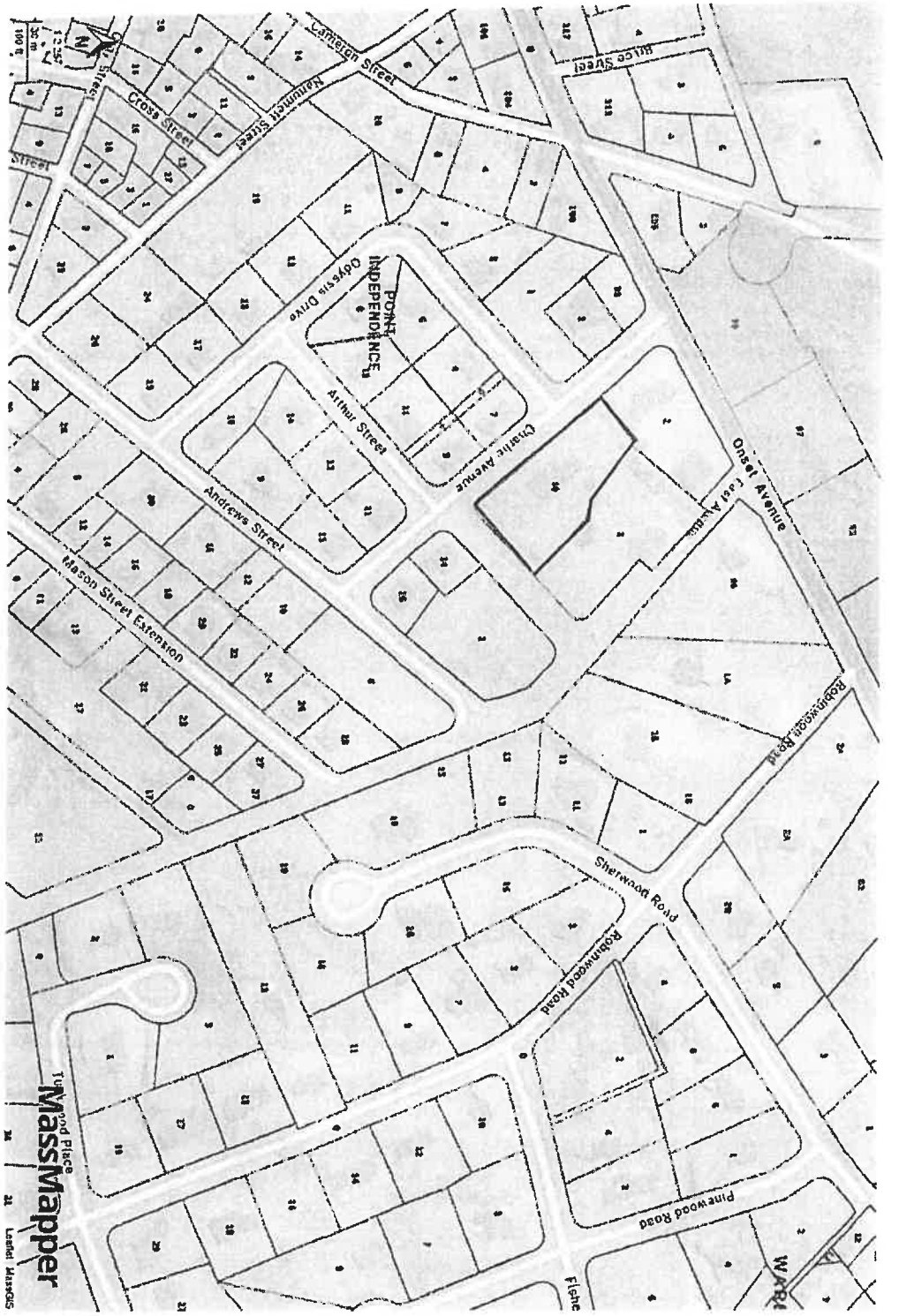
OWNER RICHARD M. & SHARON L ZINE

MAP & LOT	SITE ADDRESS	OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
3_G45	14 CHARLIE AVE	DUPUIS WILLIAM E	PO BOX 774	ONSET	MA	02588
3_G5	5 ODYSSEY DR	BRADLEY ARTHUR S III	PO BOX 926	ONSET	MA	02558
3_G16	11 ARTHUR ST	MATTOS-NIX LUNDA	11 ARTHUR ST	BUZZARDS BAY	MA	02532
3_G1	98 ONSET AVE	AVILLA JOSEPH R	PO BOX 1674	ONSET	MA	02558
2_H1 A	3 SHORT NECK RD	SPRING GAIL R	69 SHELLTON RD	QUINCY	MA	02169
3_R60	15 SHERWOOD RD	HE PINGGUO	138 LOUNSBURY DR	RAYNHAM	MA	02767
3_A_4_23	10 ANDREWS ST	GEORGANTAS PETER PERSONAL REP	37 KENNETH ST	W BRIDGEWATER	MA	02379
2_1004_A4	97 ONSET AVE	BAY POINTE CLUB LLC C/O TIM FAY	1275 WAMPANOAG TRAIL-STE 14	E PROVIDENCE	RI	02915
3_1028A	3 EAST AVE	ALLEN JAYNE E LIFE ESTATE	PO BOX 103	ONSET	MA	02558
3_B_4_12	2 CAMERON ST	ROGERS SHARON A	2 CAMERON ST	BUZZARDS BAY	MA	02532
94_F5	0 FONSECA WY	CORNERSTONE ESTATES 2	1 PAPAS HOLLOW	PLYMOUTH	MA	02360
3_G15	13 ARTHUR ST	DAMICO ARTHUR D	56 GRANDVIEW AVE	WATERTOWN	MA	02472
3_G17	12 ARTHUR ST	MATTOS PAUL R	12 ARTHUR ST	BUZZARDS BAY	MA	02532
3_LC17	18 ROBINWOOD RD	MONRO KIYO SASAKI	PO BOX 247	BUZZARDS BAY	MA	02532
3_G24	9 CHARLIE AVE	BOYARSKI FRANCIS S	PO BOX 613	ONSET	MA	02558
3_G34	2 CHARLIE AVE	ELICIER JOSE R JR	PO BOX 1096	ONSET	MA	02558
3_G48	16 CHARLIE AVE	DOCKETT CAREN R	105 MOTT ST	NEW BEDFORD	MA	02744
3_B_4_11	100 ONSET AVE	ROGERS KATHLEEN P	PO BOX 852	ONSET	MA	02558
3_G13	6 ODYSSEY DR	WONG-JUNG JULIA TRUSTEE	PO BOX 538	ONSET	MA	02558
3_LC15	88 ONSET AVE	STEELE-WEDGE RUTH TRUSTEE OF	88 ONSET AVE	BUZZARDS BAY	MA	02532
3_G19	7 CHARLIE AVE	ROSE DAVID M	12586 CABRI CIR N	TREASURE ISLAND	FL	33706 4968
3_R58	11 SHERWOOD RD	COMMUNITY SYSTEMS INC	280 ROUTE 130 BLDG A UNIT 1	FORESTDALE	MA	02644
3_R59	13 SHERWOOD RD	ANGUS DONALD H	PO BOX 270	BUZZARDS BAY	MA	02532
3_G29	11 CHARLIE AVE	GAGNE MICHELLE	PO BOX 1014	E WAREHAM	MA	02538
3_G14	8 ODYSSEY DR	PIKE COLE A	PO BOX 301	ONSET	MA	02558
3_LC16	14 ROBINWOOD RD	KILEY PATRICIA	14 ROBINWOOD RD	BUZZARDS BAY	MA	02532
3_G18	14 ARTHUR ST	RUSSELL PETER F	PO BOX 29	ONSET	MA	02558
3_G12	4 ODYSSEY DR	BOUJOS NAHIL	66 HAMILTON RD	WALTHAM	MA	02453
3_G33	15 CHARLIE AVE	TILLMAN CYNTHIA A	PO BOX 1090	ONSET	MA	02558
3_G31	9 ANDREWS ST	FERRARA PAUL G TRUSTEE C/O DAVID JOHNSON	9 ANDREWS ST	BUZZARDS BAY	MA	02532

CERTIFIED ABUTTERS AS THEY APPEAR
 ON OUR TAX ROLLS AS OF 1/2/2024

W. Renee' Atkins
 ASSESSORS OFFICE

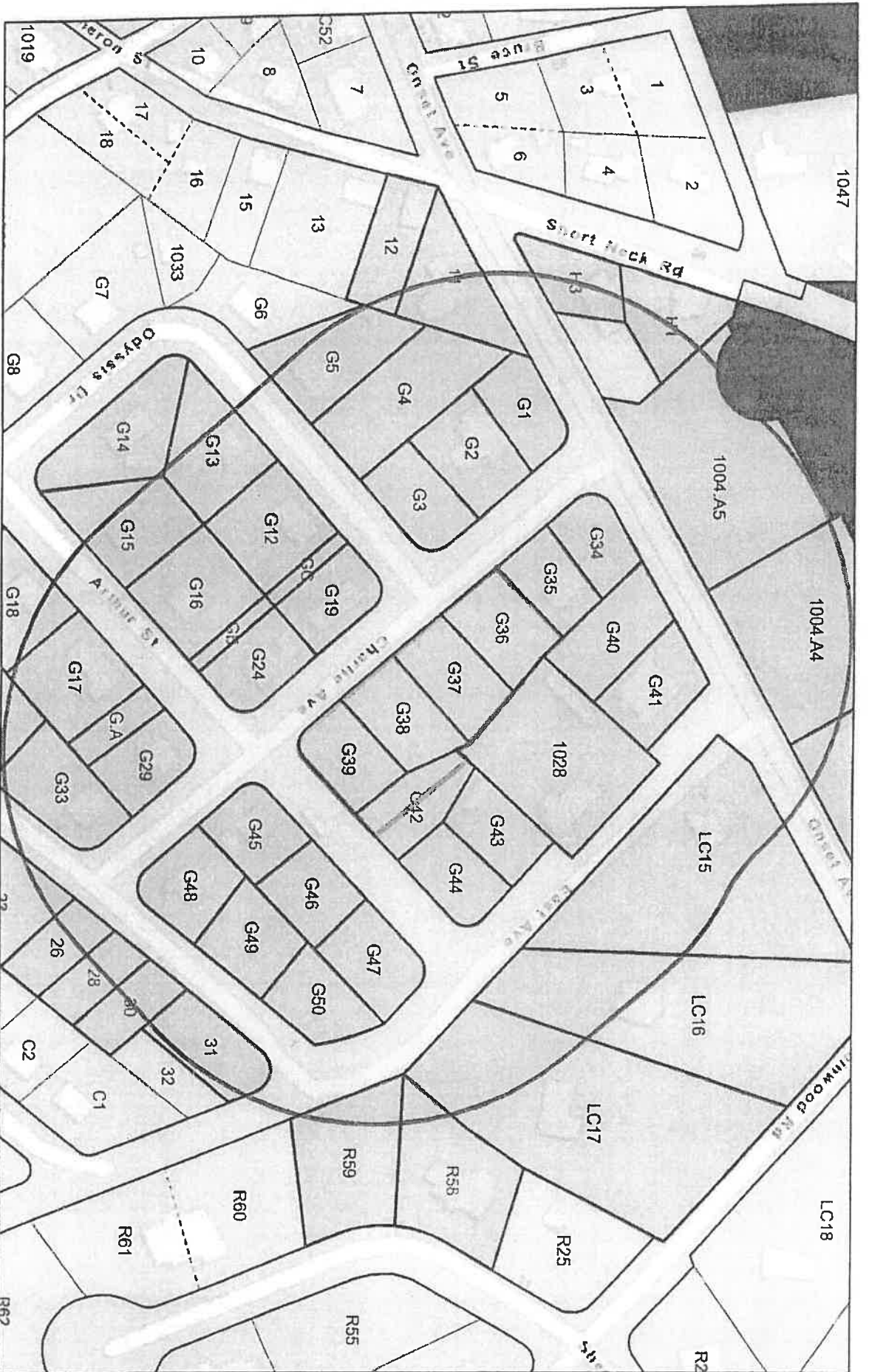
REQUESTED BY
 CHERYL SILVA
 508 295-2522
 CHERYL@MORTONLAWLLC.COM



Wood Place
The
MassMapper
Land Masses

Property Tax Parcels

ArcGIS Web Map



12/18/2023, 9:56:24 AM

Parcels with CAMA Data Property Line Miscellaneous Lines

Parcel Lines Public Road RoadNotPar

Common Line

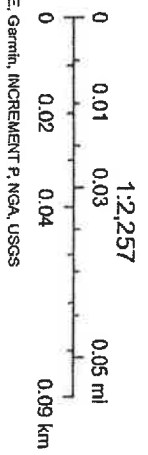


EXHIBIT D

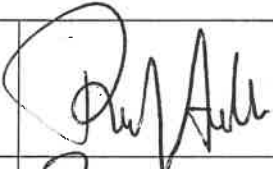
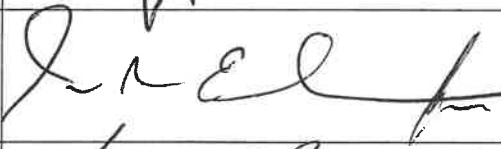
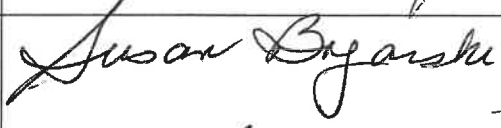


EXHIBIT E

Dear Neighbors,

Our names are Richard and Sharon Zine, and we are writing this letter as we ask for your approval regarding an addition that we will be adding to our existing residence. The addition consists of a 24x28 one level slab with a single bedroom, one and a half bathroom, a living room, and a kitchen. This addition will be attached by a 20-foot walkway from the existing front porch to the new addition front porch. The addition is designed to match the existing house for aesthetic reasons. I am looking and would love your approval. If you are in agreement, please provide your name, signature and address below.

Thank you very much


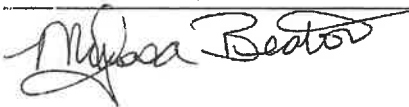

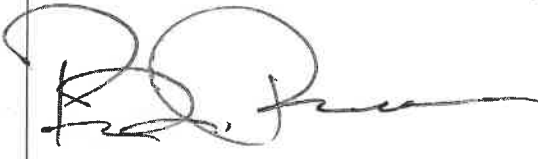


Sincerely,
Richard Zine

NAME	SIGNATURE	ADDRESS
Renee Aulka		98 Onset Ave Onset
Jose Elisei Jr		2 Hardy Av Onset MA
Susan Byarski		9 Charlie Ave Onset MA.
Linda Nix		11 Arthur St Onset MA 02558
Paul Mattes		12 Arthur St Onset MA.

NAME

SIGNATURE

ADDRESS

NAME	SIGNATURE	ADDRESS
Brita Dumas	BRITA DUMAS	14 Charlie Ave Onset MA 02558 PO Box 774
Tom Horton		16 ANDREWS ST.
Rick & Luana Bess	RICK Bess LUANA Bess	11 Odysseus Drive Onset, MA 02558
		11 ODYSSEUS DRIVE ONSET, MA 02558
Theresa Oswald	Theresa Oswald	7 Odysseus Dr. Onset, Mass 02558
PETER RUSSELL		14 Arthur St. Onset, MA 02558
Kimberly Shaver		10 Odysseus Dr Onset MA
Suzanne Staples		15 ODYSSEUS DR ONSET, MA

NAME

SIGNATURE

ADDRESS

NAME	SIGNATURE	ADDRESS
Cole & Chantell Pike	Cole Pike	8 Odysseis Dr ONSET
Michelle Reynolds	Michelle Reynolds	11 Charlie Ave Buzzards Bay MA
Sheila J. Praley	Sheila Praley	5 Odysseis Drive Onset, MA 02558
Nabil Boutos	Nabil Boutos	4 Odysseis Drive Onset Ma 02558
Zack Chick	Zack Chick	17 Odysseis Drive Onset, MA 02558
Craig Burnes	Craig Burnes	7 Charlie Ave Buzzards Bay MA, 02532
Harry Irving	Harry Irving	6 Odysseis Dr. Onset, MA 02558
Jayne Allen	Jayne Allen	3 East Ave Onset Ma