



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul E. Turner
Director of Inspectional Services

November 29, 2023

Wareham Zoning Board of Appeals
54 Marion Road
Wareham Massachusetts, 02571

RE: Revised Notice of Violation 504 Main Street / Map 50E, Lot 1-15

Dear Mr. Chairman and Board Members,

After reviewing my Revised Notice of Violation sent to the current owners of 504 Main Street, dated October 4, 2023, I would like to revise an opinion that I stated in the fifth paragraph of the notice. I stated that 2 Stoney Run Drive would be a buildable lot if 504 Main Street was granted a Variance from the Zoning Board of Appeals for lot area deficiency or obtained land area from an abutter to become a valid two-family lot. After further research, I have concluded differently.

If relief is granted by Variance to 504 Main Street for deficient lot area, rendering it a nonconforming lot for two family use, or if it obtains land area from an abutter to become a valid lot for two family use, 2 Stoney Run Drive is **still not a buildable lot** due to the Principle of Infectious Invalidity. The lot known as 2 Stoney Run Drive is an infected, invalid lot by definition of Infectious Invalidity even though it meets zoning requirements dimensionally, regardless of whether or not the other affected lot has been cured.

It is my opinion that 2 Stoney Run Drive will remain an infected, invalid lot because of the method of its creation even though 504 Main Street can be cured by a potential Variance for lot area deficiency or by potentially obtaining lot area from an abutter.

Please accept this letter for informational purposes, not as a determination, as I'm not a Land Use Attorney.

Respectfully,

Paul E. Turner
Building Commissioner
Zoning Enforcement Officer