

**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:

- Complete this form.
- 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:** 459 Main Street **LOT:** 61 **MAP:** 1022  
**ZONING DISTRICT:** WV-1  
**USE REQUESTED:** adding one residential unit (4 currently/ 5 proposed)  
**OWNER OF LAND & BUILDING:** CNS Home Solutions LLC **TEL.#** 774-201-0905  
**ADDRESS OF OWNER:** 177 Huntington Ave #1700, Boston, MA 02115  
**PERSON(S) WHO WILL UTILIZE PERMIT:** CNS Home Solutions LLC  
**ADDRESS:** 177 Huntington Ave #1700, Boston, MA 02115  
**DATE:** \_\_\_\_\_ **SIGNATURE:** \_\_\_\_\_

**This application was received on the date stamped here:**

**Town Clerk:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Tax Collector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Planning/Zoning Dept.:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Application fee paid:** \_\_\_\_\_ **Check #:** \_\_\_\_\_ **Receipt:** \_\_\_\_\_

**Advertising fee paid:** \_\_\_\_\_ **Check #** \_\_\_\_\_ **Receipt:** \_\_\_\_\_

**Abutters fee paid:** \_\_\_\_\_ **Check #** \_\_\_\_\_ **Receipt:** \_\_\_\_\_

APPLICANT: CNS HOME SOLUTIONS LLC

**APPLICATION FOR SPECIAL PERMIT**

**I. INTRODUCTION**

The applicant is proposing to change the use of its building located at 459 Main Street, by adding a 2-bedroom residential unit on the bottom floor. There are currently four units in the building, so the additional unit would result in a total of five units.

The proposal also includes increasing the number of parking spaces on the property from 4 spaces to 10 spaces. So, the parking, which is now non-conforming will become conforming.

**II. REQUESTED APPROVALS**

As per the building inspector's denial letter, CNS is seeking the following approvals from the Zoning Board of Appeals:

1. Article 3, Section 320, Table of Principal Use Regulations: The "five family in existing structure" requires a special permit in the WV-1 zoning district.
2. Article 14, Section 1460, Special Permit: The Board of Appeals is the Special Permit granting authority for the requested use.

**V. SECTION 1460**

The applicant believe that it has met the approval requirements:

1. The Use will not adversely affect the neighborhood.
  - a. There will be very little exterior change (only the expanded parking in back).
  - b. The neighborhood will benefit from the increased parking availability.
2. The specific site is an appropriate location.
  - a. The current and existing use is residential.
  - b. The §732 Design Standards are being met in that the applicant is expanding within an existing building.
  - c. The building is already in place and the exterior is not changing.
  - d. The §340.4 guidelines for a 5 or more-family dwelling are being met.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities will be provided.
5. The use or structure does not propose a substantial detriment.
6. The proposal conforms to all other provisions of the Zoning By-Law.

\*\*\* Electronic Recording \*\*\*  
Doc#: 00088838  
Bk: 55428 Pg: 143 Page: 1 of 2  
Recorded: 08/04/2021 03:34 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 08/04/2021 03:34 PM  
Ctrl# 148702 07151  
Fee: \$2,690.40 Cons: \$590,000.00  
\*\*\*\*\*

**QUITCLAIM DEED**

We, David R. Holt and Nancy J. Holt, husband and wife as tenants by the entirety, of 207 Coachman Lane, West Barnstable, MA 02668

in consideration of Five Hundred Ninety Thousand and 00/100 (\$590,000.00) Dollars paid,

grant to CNS Home Solutions LLC, a Massachusetts Limited Liability Company in good standing, with a principal office address of 177 Huntington Ave. #1700, Boston, MA 02115,

*with quitclaim covenants*

A certain parcel of land, together with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

- BEGINNING at a point in the easterly line of Main Street, fifty (50) southerly from a stone wall and at the southwesterly corner of land now or formerly of one Makepeace;
- THENCE Easterly by last named land one hundred fifty (150) feet to land of parties unknown;
- THENCE Southerly by last named land one hundred (100) feet;
- THENCE Westerly one hundred fifty (150) feet to Main Street;
- THENCE Northerly in said easterly line of Main Street, one hundred (100) feet.

Containing 11,150 square feet of land, more or less.

Said premises are conveyed subject to and with the benefit of easements, restrictions, reservations, and agreements of record, if any, insofar as the same are now in force and applicable.

For Grantor's title see Deed recorded in the Plymouth County Registry of Deeds, Book 29828, Page 31.

**Property address: 459 Main Street, Wareham, MA 02571**

Executed as a sealed instrument this 4<sup>th</sup> day of August, 2021.

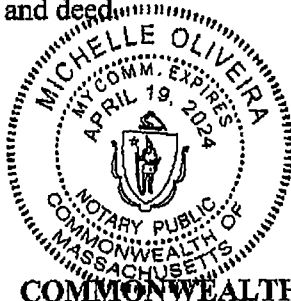
*David R. Holt*  
David R. Holt

*Nancy J. Holt*  
Nancy J. Holt

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, ss

On this 4<sup>th</sup> day of August, 2021, before me, the undersigned notary public, personally appeared David R. Holt, proved to me through satisfactory evidence of identification, which was MA Driver's License, to be the person whose name is signed on the attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.

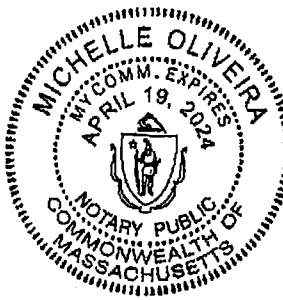


*m. Oliveira*  
Notary Public: Michelle Oliveira  
My Commission Expires: 4/19/2024

**COMMONWEALTH OF MASSACHUSETTS**

Plymouth, ss

On this 4<sup>th</sup> day of August, 2021, before me, the undersigned notary public, personally appeared Nancy J. Holt, proved to me through satisfactory evidence of identification, which was MA Driver's License, to be the person whose name is signed on the attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as her free act and deed.



*m. Oliveira*  
Notary Public: Michelle Oliveira  
My Commission Expires: 4/19/2021

ZONING DISTRICT: WAREHAM VILLAGE (WV1)		EXISTING	PROPOSED
MIN. AREA	5 UNITS	11,433 S.F.	11,433 S.F.
MIN. FRONTAGE	75 FT.	100 FT.	100 FT.
MIN. FRONT YARD SETBACK	VARIABLE	13.7 FT.	13.7 FT.
MIN. REAR YARD SETBACK	10 FT.	50.5 FT.	50.5 FT.
MIN. SIDE YARD SETBACK	10 FT.	3.7 FT.	3.7 FT.
MAX. BUILDING COVERAGE	30%	16%	16%
MAX. IMPERVIOUS COVERAGE	20%	31%	31%
PARKING SPACES	2 PER UNIT	4	10

THE PURPOSE OF THIS PLAN IS TO SHOW A SITE AND SPECIAL PERMIT PLAN FOR THE CONVERSION OF A 4 UNIT BUILDING INTO A 5 UNIT BUILDING.

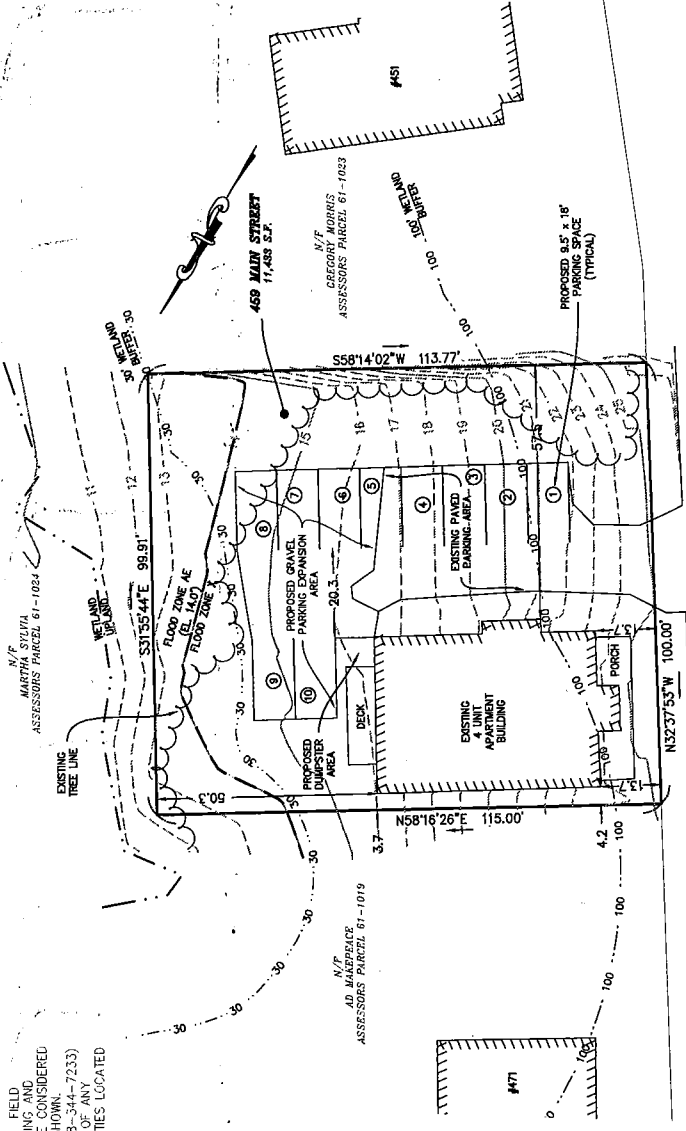
**SITE AND SPECIAL PERMIT PLAN**  
 IN  
 459 MAIN STREET  
 WAREHAM,  
 MASSACHUSETTS

**Outback Engineering**  
 Incorporated

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

DATE: NOVEMBER 26, 2021  
 DRAWN BY: KAD CHECKED BY: JAY  
 SCALE: 1"=20' SHEET 1 OF 1  
 0' 20' 40' 60'

OE-3872



MAIN STREET  
 PUBLIC

- GENERAL NOTES**
- DEED REFERENCE TO THE MASSACHUSETTS DEEDS AND MORTGAGES PUBLIC REGISTRY OF DEEDS BOOK 161, PAGE 81.
  - STRUCTURES SHOWN ARE BASED ON A FIELD SURVEY BY OUTBACK ENGINEERING ON 11/12/2021.
  - THE SITE FALLS PARTIALLY WITHIN FLOOD ZONE "AE" (ELEV. 14.0'), PARTIALLY WITHIN FLOOD ZONE "X" AREAS WITH 0.2% CHANCE OF FLOODING, AND PARTIALLY WITHIN FLOOD ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SCALED FROM THE FLOOD JUSTICE RATE MAP (MAP NUMBER: 2502500488K, EFFECTIVE DATE: 7/6/2021).
  - THE SITE IS NOT LOCATED WITHIN A SURFACE WATER SUBJECT PROTECTION AREA. THIS SITE IS NOT LOCATED WITHIN A GROUNDWATER PROTECTION AREA.
  - THE SITE IS NOT LOCATED WITHIN A PRIORITY HABITAT AND IS NOT LOCATED WITHIN AN ESTIMATED HABITAT ACCORDING TO THE LATEST NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM ONLINE MAPS.
  - ALL EXISTING UTILITY INFORMATION IS FROM FIELD SURVEY PERFORMED BY OUTBACK ENGINEERING AND AVAILABLE RECORD SOURCES, AND IS TO BE CONSIDERED APPROXIMATE. ALL UTILITIES MAY NOT BE SHOWN. CONTRACTOR SHALL NOTIFY DISSAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO THE ONSET OF ANY CONSTRUCTION TO HAVE ALL EXISTING UTILITIES LOCATED AND CLEARLY MARKED.

**OWNER**

CNS HOME SOLUTIONS  
 DEED BOOK 55428 PAGE 143  
 ASSESSORS PARCEL 61-1022

434 Main St

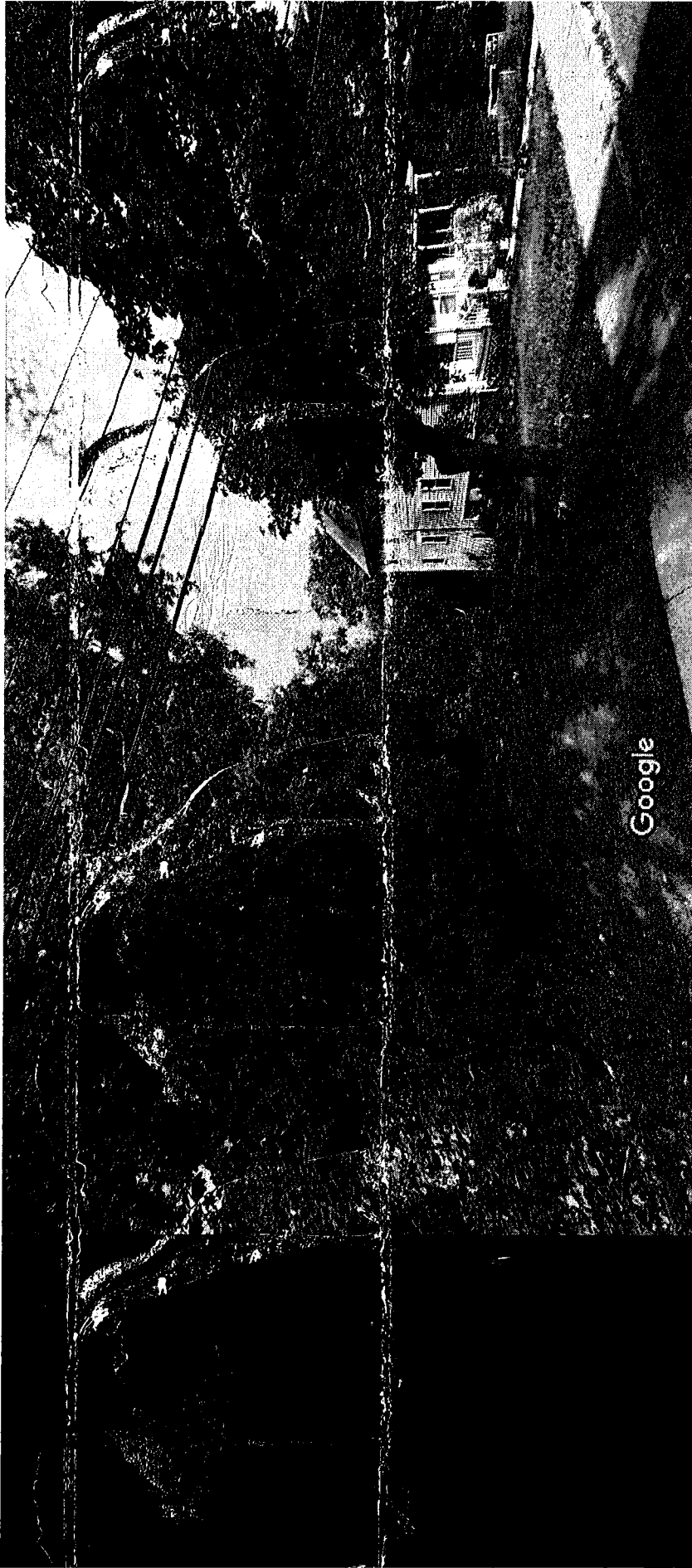
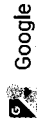


Image capture: Oct 2019 © 2021 Google

Wareham, Massachusetts



Google

Street View - Oct 2019

*Immediate a butter to right*

Google Maps 444 Main St

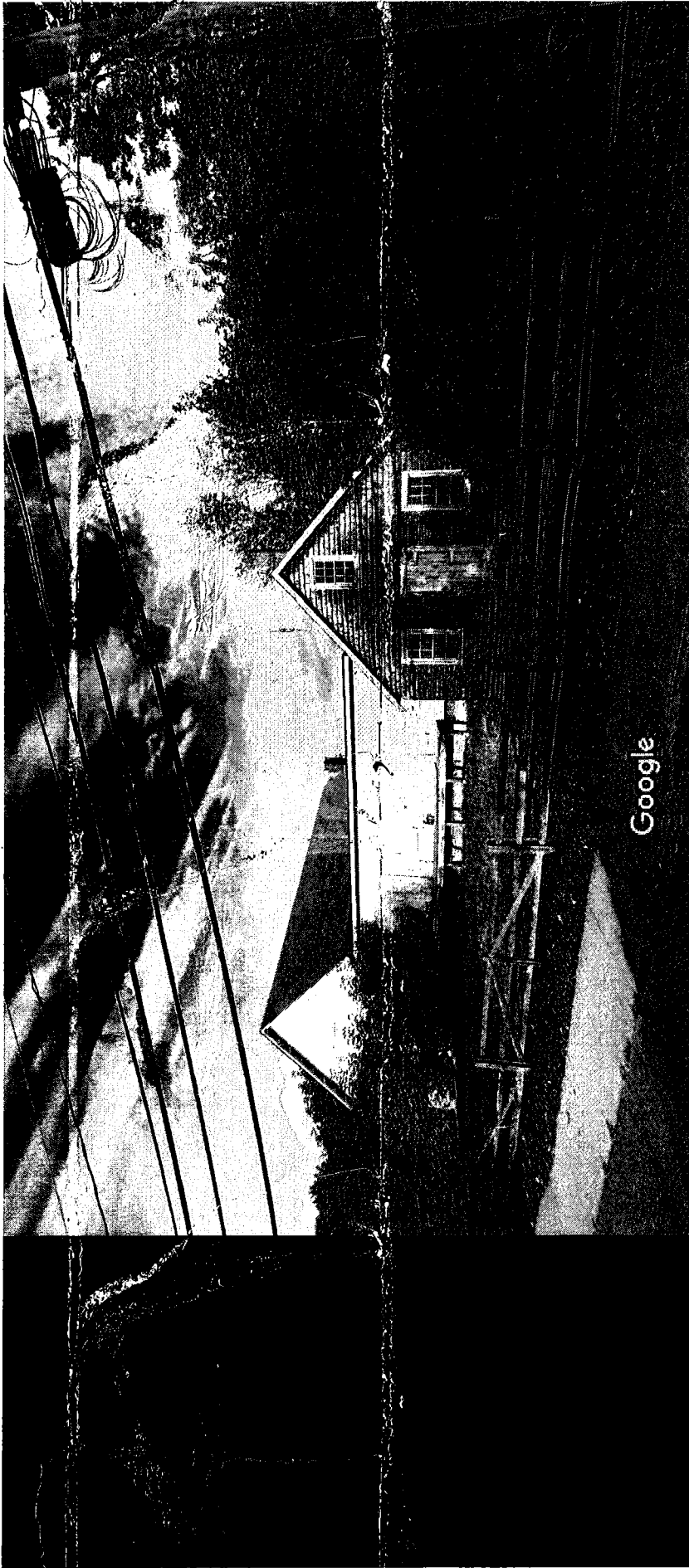
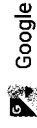


Image capture: Oct 2019 © 2021 Google

Wareham, Massachusetts

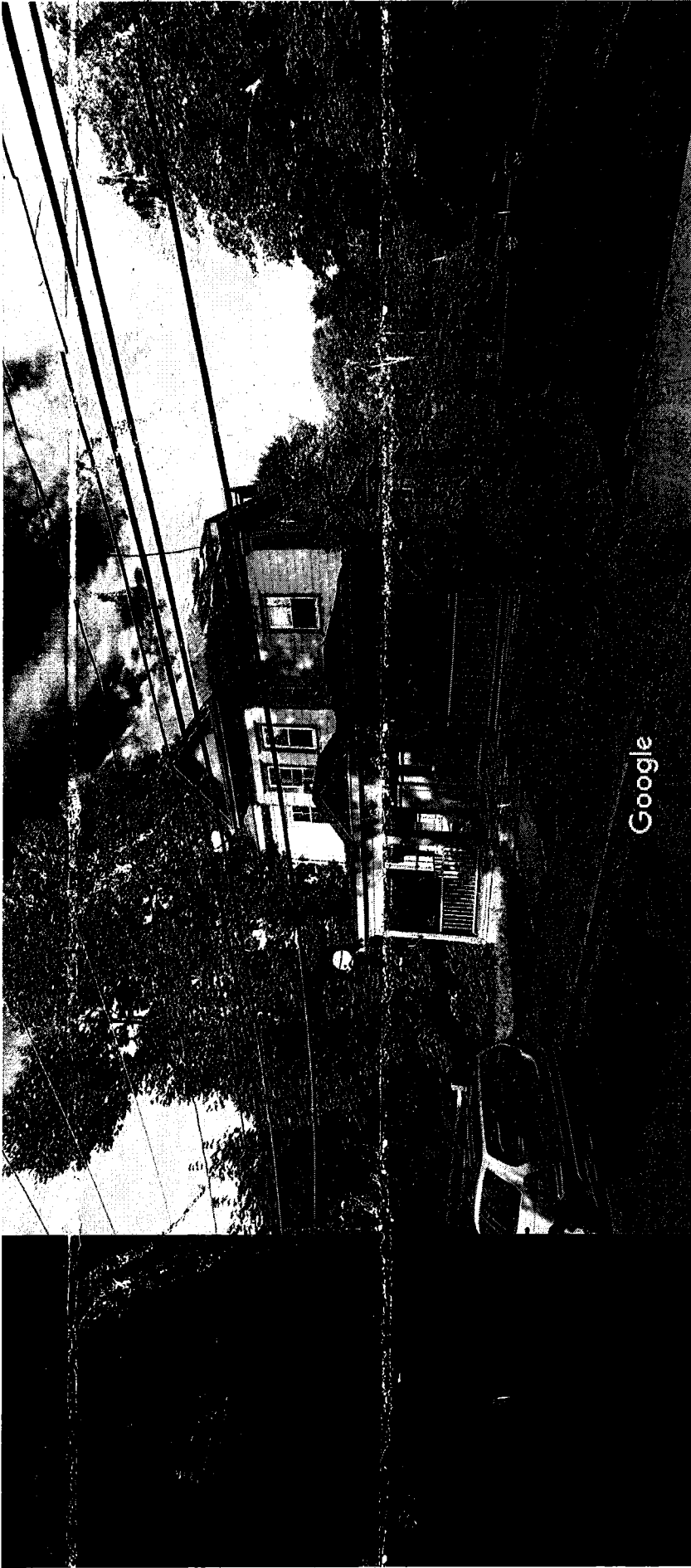


Google

Street View - Oct 2019

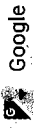
*Immediate abutter to left*

459 Main St



Google

Wareham, Massachusetts



Street View - Oct 2019

Image capture: Oct 2019 © 2021 Google





# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

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Barrin Soares  
21 Goldman Ave  
Dartmouth, MA 02747

October 13, 2021

RE: 459 Main Street

Map #61, Lot #1022

I have reviewed your application to change the Use of your building at 459 Main Street, in Wareham, MA. The proposed use of the structure does not comply with current zoning requirements and must be denied at this time.

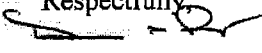
Your application is to create a new dwelling unit within the basement of your existing building. You currently have four dwelling units, and the additional unit is not permitted as a matter of right. You must apply for and secure a Special Permit from the Zoning Board of Appeals in order to proceed with your request.

Your application is being denied under the following sections of the Wareham Zoning By-Law:

- **Article 3, Section 320, Table of Principal Use Regulations:** The "five family in existing structure" Use requires a Special Permit in the WV-1 Zoning district.
- **Article 14, Section 1460, Special Permit:** The Board of Appeals is the Special Permit granting authority for the requested Use.

The subject building is located in the WV-1 Zoning district.

Respectfully,

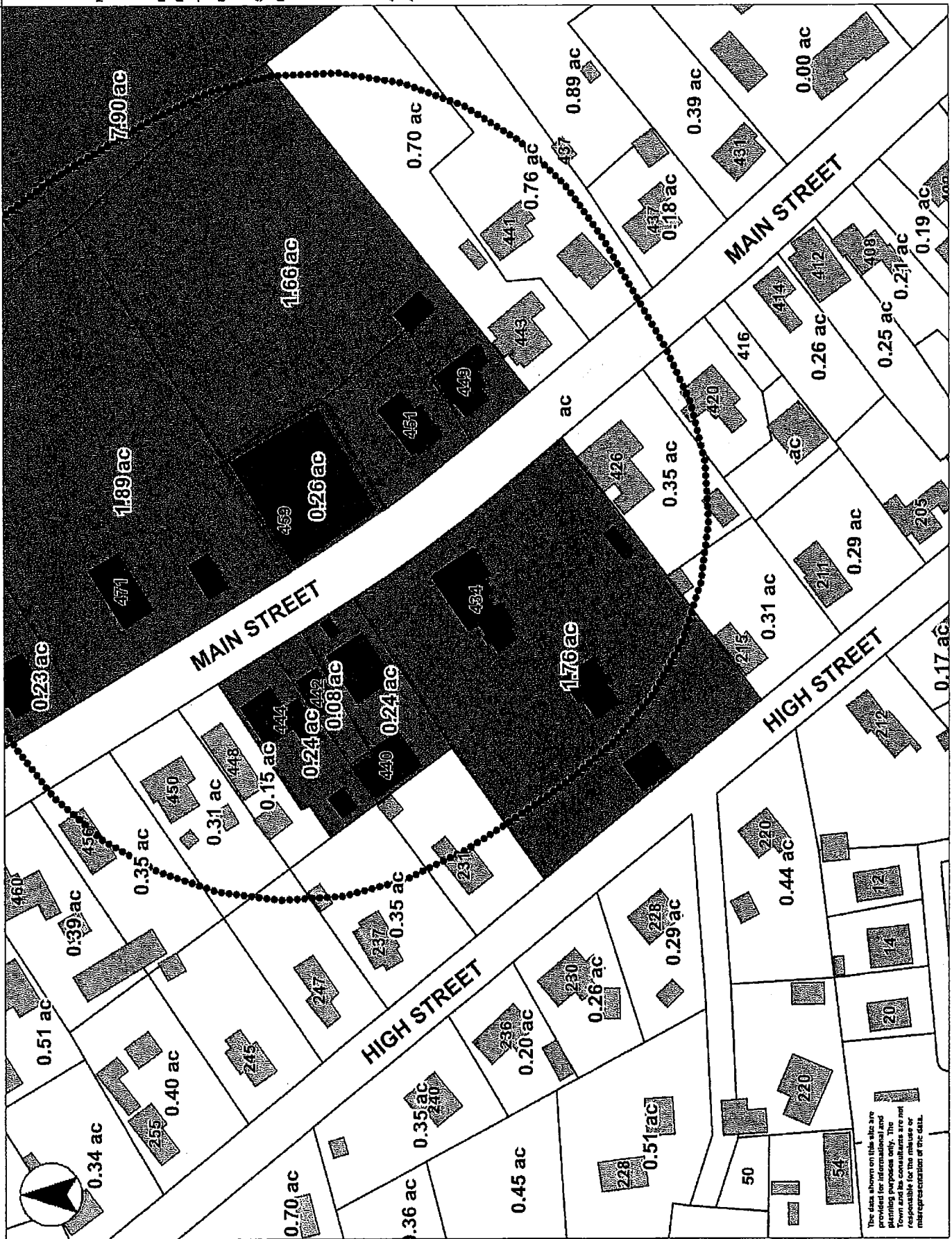
  
David Riquinha  
Building Commissioner  
Zoning Enforcement Officer

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.



- MA, Private Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parcels
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Streets
- Bathymetry
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Adjacent Town Labels
- 320 ft



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the use or misrepresentation of the data.



Town of Wareham  
Office of the Collector of Taxes  
John D Foster, Collector of Taxes  
(508)291-3150

Balance Statement for  
Real Estate Tax  
as of December 01, 2021

HOLT DAVID R  
HOLT NANCY J  
207 COACHMAN LN  
W BARNSTABLE, MA 02668

Account 11556  
Levy 2022  
Parcel 61-1022  
Property Loc. 459 MAIN ST  
Pay This Amount \$0.00

Account 11556  
Levy 2022  
Owner HOLT DAVID R  
HOLT NANCY J

Parcel 61-1022  
Property Loc. 459 MAIN ST  
Land Area 11500 Square F  
Deed Date 1/12/2005  
Book / Page 29828/0031

**Account Charges**

Receivable	Billed	Credits	Remainder	Due
Wareham Fire	\$357.59	\$357.59	\$0.00	\$0.00
Tax	\$1,742.64	\$1,742.64	\$0.00	\$0.00
CPA	\$35.54	\$35.54	\$0.00	\$0.00
Interest	\$0.00	\$6.56	\$0.00	\$0.00
	\$2,135.77	\$2,142.33	\$0.00	\$0.00

**Transactions**

Transaction Type	Date	Amount
Payment	8/2/2021	\$1,067.89
Payment	11/17/2021	\$1,074.44
		\$2,142.33

**Payments**

Make checks payable to:  
Town of Wareham  
Treasurer/Collector  
54 Marlon Road  
Wareham MA 02571

Hours For Walk-In Service  
Mon-Thu 8:15am-6:pm

Account Balance as of December 01, 2021 \$0.00

Account: 11556  
 Levy: 2022  
 Parcel: 61-1022  
 Record Owner: HOLT DAVID R  
 Location: 459 MAIN ST  
 Balance: \$0.00

Debits		BillingDate	DueDate	Billed	Credits	Remainder	Interest	TotalDue	PerDiem
Quarterly Preliminary		7/1/2021	8/2/2021	\$1,067.89	\$1,067.89	\$0.00	\$0.00	\$0.00	\$0.00
Quarterly Preliminary		10/1/2021	11/1/2021	\$1,067.88	\$1,074.44	\$0.00	\$0.00	\$0.00	\$0.00
<b>Grand Total</b>				<b>\$2,135.77</b>	<b>\$2,142.33</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$ 0.000</b>

Transactions		Eff. Date	Post Date	Batch	Total	Tax	Liens	Fees	Interest	Comments
Payment		8/2/2021	8/3/2021	mail	\$1,067.89	\$1,067.89	\$0.00	\$0.00	\$0.00	
Payment		11/17/2021	11/22/2021	by Hall Systems	\$1,074.44	\$1,067.88	\$0.00	\$0.00	\$6.56	Lockbox
<b>Grand Total</b>					<b>\$2,142.33</b>	<b>\$2,135.77</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$6.56</b>	