

VARIANCE & SPECIAL PERMIT APPLICATION

TOWN OF WAREHAM ZONING BOARD OF APPEALS

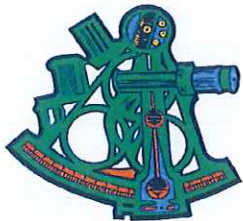
2850 Cranberry Highway
E. Wareham, MA 02538

June 2, 2020

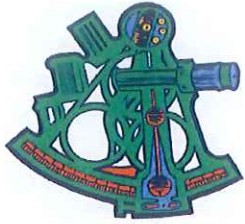
PREPARED FOR:

John L. Churchill Jr.
2854 Cranberry Highway
E. Wareham, MA 02538

PREPARED BY:



JC ENGINEERING, Inc.
Civil & Environmental Engineering
2854 Cranberry Highway
East Wareham, Massachusetts 02538
Ph. 508-273-0377 – Fax 508-273-0377



JC ENGINEERING, Inc.
Civil & Environmental Engineering
2854 Cranberry Highway
East Wareham, Massachusetts 02538
Ph. 508-273-0377 – Fax 508-273-0367

May 28, 2020

Town of Wareham
Zoning Board of Appeals
Memorial Town Hall
54 Marion Road
Wareham, MA 02571

RE: Variance & Special Permit Application for 2850 Cranberry Highway, E. Wareham, MA

Dear Board Members,

On behalf of the applicants, John L. Churchill Jr., please find enclosed a Variance & Special Permit Application for the construction of a two-family dwelling on a non-conforming lot. This property is shown as Lot 1077 on Assessor's Map 129. In accordance with Article 6, Table 623, the proposed two-family dwelling does not meet the minimum lot area and the minimum frontage required for a two-family dwelling. In accordance with Article 3, Table 320, two-family dwellings are allowed by special permit by the board of appeals.

Zoning Requirements

The property is located in the Commercial Zoning District (CS) and contains 31,253 +/- square feet of land, which is considered a pre-existing, non-conforming lot. Minimum lot area, frontage, and building setback requirements as specified in the Wareham Zoning Bylaw, Article 6 for a two-family dwelling in a commercial district are as follows: 45,000 square feet of land area with 200 feet of frontage, 20 feet minimum setback from the front and 10 feet minimum setbacks from the side and rear property lines.

As part of this Variance & Special Permit Application, the applicant would like to construct a two-family dwelling that will be in compliance with the Massachusetts State Building Code and FEMA requirements. The proposed footprint will meet the front, side, and rear property line setback requirements.

As outlined in Section 1470 of the Wareham Zoning Bylaws, the Board of Appeals shall find that the literal enforcement of the by-law would create a hardship and would not allow the construction of a two-family dwelling. For the following reasons, we feel that the construction of a two-family dwelling will neither substantially create a nonconforming nature of the structure, nor be substantially more detrimental to the neighborhood.

- Owing the circumstances relating to soil conditions, shape, or topography of the petitioner's land or structure(s) and especially affecting such land or structure(s), but not affecting generally the zoning district in which it is located, a literal enforcement of the Wareham Zoning Bylaws (failure to grant the Variance) would prevent use of the land as zoned. (Hardship)

A literal enforcement of the Wareham Zoning Bylaws would prevent the construction of a two-family dwelling in this zoning district. The hardship that exists is that there is a wetland along the northwest side of this property. Constructing a commercial building would hold a larger setback from this wetland and, given the size of the lot, would make it very difficult to place such building with adequate parking on this lot.

- The Variance may be granted without detriment to the public good.

The proposed two-family dwelling will not be more detrimental to the public good. Many other two-family dwellings exist within the area of this property and the proposed dwelling will be visually consistent with the rest of the neighborhood.

- The Variance may be granted without nullifying or substantially derogating from the intent or purpose of the Wareham Zoning Bylaws.

The proposed two-family dwelling would not nullify or substantially derogate from the intent or purpose of the Wareham Zoning Bylaws as the structure will comply with all other zoning requirements as defined in section 623 of the Wareham Zoning Bylaws.

- Uniqueness.

The uniqueness that exists is the odd shape of this lot. Towards the north side of this property the lot gets much narrower. This makes it difficult to place a structure in this area while maintaining required zoning setbacks.

For the reasons stated above, we would appreciate your favorable vote on a Variance & Special Permit for the construction of a two-family dwelling, which is under the purview of this board.

Respectfully yours,

Wareham Board of Appeals
Page 3
May 28, 2020

John L. Churchill Jr., PE, PLS
President

Cc: File; Client

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 \$80.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.11 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: 2850 Cranberry Highway LOT: 1071 MAP: 129
ZONING DISTRICT: CS
USE REQUESTED: Two-Family Residential
OWNER OF LAND & BUILDING: John L. Churchill Jr. TEL.# 508-273-0377
ADDRESS OF OWNER: 2854 Cranberry Highway, E. Wareham, MA 02538
PERSON(S) WHO WILL UTILIZE PERMIT: Same
ADDRESS: Same
DATE: 3/6/20 SIGNATURE: [Signature]
This application was received on the date stamped here.

Town Clerk: _____ Date: _____
Tax Collector: Grace Hatch Date: 3-18-2020
Planning/Zoning Dept.: _____ Date: _____
Application fee paid: _____ Check #: _____ Receipt: _____
Advertising fee paid: _____ Check # _____ Receipt: _____
Abutters fee paid: _____ Check # _____ Receipt: _____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: John L. Churchill Jr.

Applicant's Address: 2854 Cranberry Highway, E. Wareham, MA 02538

Telephone Number: 508-273-0377

Cell Phone Number: _____

Email Address: Jchurchill@jceengineeringinc.com

Address of Property/Project: 2850 Cranberry Highway

Landowner's Name: Same

Owner's Address: Same

Telephone Number: Same

Contact Person: JC Engineering Inc Telephone Number: 508-273-0377

Map 129 Lot 1077 Zone CS

Date Approved _____ Date Denied _____

Comments: _____

2850 CRAN HWY

Location 2850 CRAN HWY

Mblu 129/ / 1077/ /

Acct#

Owner CHURCHILL JOHN L JR

Assessment \$149,900

Appraisal \$149,900

PID 13293

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2017	\$0	\$149,900	\$149,900

Assessment			
Valuation Year	Improvements	Land	Total
2017	\$0	\$149,900	\$149,900

Owner of Record

Owner CHURCHILL JOHN L JR
Co-Owner
Address 2854 CRANBERRY HWY
 E WAREHAM, MA 02538

Sale Price \$30,000
Certificate
Book & Page 28696/ 348
Sale Date 07/20/2004
Instrument 1G

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CHURCHILL JOHN L JR	\$30,000		28696/ 348	1G	07/20/2004
MILLER BARRY L	\$0		13106/ 198	1F	08/26/1994
HATHAWAY	\$0				

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent Good:
Replacement Cost Less Depreciation: \$0

Building Photo

Building Attributes	
Field	Description

Style	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	



(<http://images.vgsi.com/photos2/WarehamMAPhotos//default.jpg>)

Building Layout

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 3900
Description DEVEL LAND
Zone SC
Neighborhood 6000
Alt Land Appr No
Category

Land Line Valuation

Size (Sqr Feet) 30800
Frontage 0
Depth 0
Assessed Value \$149,900
Appraised Value \$149,900

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2016	\$0	\$149,900	\$149,900
2015	\$0	\$149,900	\$149,900
2014	\$0	\$163,700	\$163,700

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$0	\$149,900	\$149,900
2015	\$0	\$149,900	\$149,900
2014	\$0	\$163,700	\$163,700

(c) 2016 Vision Government Solutions, Inc. All rights reserved.

QUITCLAIM DEED

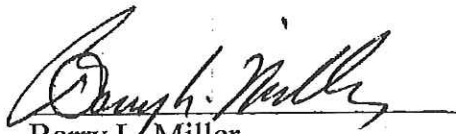
We, Barry L. Miller and Ruea A. Miller, joint tenants, both of 3 Vernon Street, New Bedford, Massachusetts, for consideration of Thirty-Thousand (\$30,000.00) Dollars, paid, grant to John L. Churchill, Jr., of 5 Roundhill Boulevard, East Wareham, Massachusetts, with Quitclaim Covenants, the land in that part of Wareham, Plymouth County, Massachusetts, known as East Wareham on the Northeasterly side of state highway sometimes known as the Sandwich Road, bounded and described as follows:

Beginning at a cement bound in the Northeasterly line of said Road, a corner of the land of Harold E. Campbell; thence North 28° 46' 45" East 200.74 feet to a cement bound; thence 54° 57' 15" West 50.93 feet to a cement bound; thence North 23° 20' 45" East 66.76 feet to a stake; thence North 54° 57' 15" West 79.66 feet to a stake being 6 feet from the line of the herring run, said last four courses being in line of land Harold E. Campbell; thence from said stake south 30° 10' 40" West 263.94 feet, said line being approximately parallel with a and 6 feet distant from said herring run to said State Highway; thence by said State Highway south 54° 11' 15" East 143.67 feet to the bound first mentioned, together with the buildings thereon. Said premises are conveyed subject to restriction for benefit of the remaining land of Harold E. Campbell that no lunch bar, restaurant, or other like business shall be conducted thereon insofar as said restriction is in force and applicable. There is reserved for the benefit of the remaining land of said Harold E. Campbell the right to pass and repass over the driveway as now used from the remaining land of said Campbell to and from the Street. Said premises are conveyed subject to any rights which may exist therein in connection with a herring run from the herring run hereinbefore mentioned to the pond situated Northeasterly of the above described premises.

For our title see deed dated March 24, 1994 and recorded in the Plymouth County Registry of Deeds Book 13106, page 198.

WITNESS our hands and seals this 20 day of July, 2004.

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
20 JUL 2004 02:36PM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 28696 Pg 348-349


Barry L. Miller


Ruea A. Miller

Property Address: 2850 Cranberry Highway, East Wareham, Massachusetts

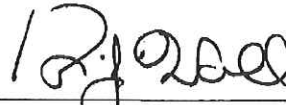
mail
Brian J. Wall, Esq.
86 Willow St., Suite 6
Yarmouthport, MA 02675

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

July 20, 2004

On this 20th day of July, 2004, before me, the undersigned notary public, personally appeared Barry L. Miller and Ruea A. Miller, proved to me through satisfactory evidence of identification, which were Massachusetts Driver's Licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Brian J. Wall, Notary Public
My Commission Expires: 4/26/07

PLYMOUTH
DEEDS
PLYMOUTH
CANCELLED

07/20/04 2:28PM 01
000000 #2516

FEE \$136.80

CASH \$136.80



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David Morris
Director of Inspectional Services

John Churchill
2854 Cranberry Highway
E. Wareham, MA 02538

February 13, 2020

RE: 2850 Cranberry Highway

I have reviewed your proposal to create a new 6-bedroom duplex at 2580 Cranberry Highway. Due to lot area and frontage requirements, I must deny your application at this time.

Your proposal to construct a new front entry addition on your existing residential dwelling is being denied under the following sections of the Wareham Zoning By-law:

Article 6, Table 623, Commercial Districts, The proposed duplex does not meet the minimum lot area and the minimum frontage required for a 2-family dwelling.

Article 3, Table 320, principal Use Regulations, 2-family dwellings are allowed by special permit by the board of appeals.

The subject dwelling is located in Zoning district CS.

Respectfully,

David Morris
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.

TOWN OF WAREHAM
2850 CRAN HWY
CHURCHILL JOHN L JR
MAP 129-LOT-1077

300'

abutters_id_field	abutters_owner1	abutters_owner2	abutters_address	abutters_town	abutters_state	abutters_zip	abutters_bookpage	abutters_location
129-1049	WAREHAM LAND TRUST INC		PO BOX 738	WAREHAM	MA	02571	37870/247	2845 CRAN HWY
129-1150	WAREHAM B P O ELKS #1548		PO BOX 566	E WAREHAM	MA	02538	3061/ 48	2849 CRAN HWY
129-1078	WAREHAM LAND TRUST INC		PO BOX 738	WAREHAM	MA	02571	37870/247	2848 CRAN HWY
129-1162	TOWN OF WAREHAM		54 MARKON RD	WAREHAM	MA	02571	0/ 0	10 OLD GLEN CHARLIE RD
129-1151	WAREHAM LODGE OF ELKS #1548		PO BOX 566	E WAREHAM	MA	02538	1602/ 395	2855 CRAN HWY
129-1079	SWART REALTY TRUST		16 OLD GLEN CHARLIE RD	E WAREHAM	MA	02538	34384/ 1	12 OLD GLEN CHARLIE RD
129-RA	MACLURE ERIN K		8 OLD GLEN CHARLIE RD	E WAREHAM	MA	02538	50537/ 166	8 OLD GLEN CHARLIE RD
129-1081	SWART DIANNE M		16 OLD GLEN CHARLIE RD	E WAREHAM	MA	02538	21531/ 105	16 OLD GLEN CHARLIE RD
129-RB	MACLURE ERIN K		8 OLD GLEN CHARLIE RD	E WAREHAM	MA	02538	50537/ 166	6 OLD GLEN CHARLIE RD
129-1076	CHURCHILL JOHN L JR		2854 CHAMBERRY HWY	E WAREHAM	MA	02538	25322/ 278	2854 CRAN HWY
129-1080	DAY DEIDRE		14 OLD GLEN CHARLIE RD	E WAREHAM	MA	02538	36984/ 012	14 OLD GLEN CHARLIE RD
129-1075	GRAF LEONARD W	GRAF MARY M	2856 CHAMBERRY HWY	E WAREHAM	MA	02538	44179/ 148	2856 CRAN HWY

CERTIFIED LIST OF ABUTTERS AS THEY APPEAR
THEY APPEAR ON OUR TAX ROLLS AS OF 4-30-2020

Rebecca M. Mancini
ASSESSORS OFFICE

