

THE LAW OFFICES OF BELLO & MORTON, LLC

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

December 3, 2020

Wareham Planning Board
Memorial Town Hall
54 Marion Road
Wareham, MA 02571

*Re: Application to the Wareham Planning Board for Special Permit Assessors Map 15,
Lot 1030, 5 Tyler Ave, Wareham, MA 02571*

1. Petitioner

Stephen Webby
Swebco LLC
20 North Park Avenue
Plymouth, MA 02360

2. Recorded Owner:

Donald J & Anne I. Campbell
PO Box 1509, Onset, MA 02558

3. Certified Abutters List:

Copy Attached as Exhibit A.

4. Current Deed and Trust Documents:

Plymouth County Registry of Deeds Book 20181, Page 216 (Deed). Exhibit B.

5. Building Inspector's Notice of Violation Letter:

Violation Letter attached here as Exhibit C from the Building Commissioner referencing Appeal to Zoning Board of Appeal is necessary.

6. Proposed Site Plan:

Attached as Exhibit D is a copy of the Relevant Plan. Please note our Parcel is in the MR-30 District.

7. Photographs:

See the attached Photographs as Exhibit E as accompanying evidence for the allowance this petition.

8. Letter of Intent

Dear Mr. Chairman,

I represent the applicant Mr. Stephen Webby of Swebco LLC re the above application for a Special Permit on his proposed three family build on 5 Tyler Avenue here in Wareham. Mr. Webby is a seasoned developer who has worked on many projects in Town and the surrounding areas. He is working to develop this abandoned and boarded up property here in town.

Background:

My client has entered into an agreement to purchase from the owner the property and is looking for relief from the Zoning Board as well as Planning Board to make his project come to fruition. The property has been on the market since August 2019 and abandoned for quite sometime. It was originally a 5-bedroom residential home that was turned into a sober home for recovering women. If you recall in 2014 this was a sober home was set fire by an arsonist. Since the fire – the property has been condemned and been a hazard for years. The Lot (Map 15, Lot 1030) contains 18,476 square feet in area with 163.52 ft of frontage on Tyler Avenue and is located in the MR-30 zoning

district. It is preexisting nonconforming lot being undersized for a single family and while the zoning district allows for multifamily dwellings, the current Zoning By Law would require 250 ft of frontage and 75,000 square feet in area for a three family dwelling, the need for a variance is needed for Mr. Webby to carry out his plans. We are seeking those variances from the ZBA.

Mr. Webby's intention are to build a connected three family structure in approximately the same location as the original 5-bedroom home and pave a proposed parking area for his tenants. These would be affordable rented units. All set back requirements will be met. The units will be serviced by their own state of the art sewage system.

The By-Laws:

Per the Commissioners Letter, we are seeking a Special Permit from the Planning Board under MGL, chapter 40 A Section 15:

Article 3, Section 320, Table of Principal Use Regulations: A three family dwelling in a new structure requires a Special Permit from the Planning Board.

Legal Standard as Applied to our case:

As for the requirements and standard for the Special Permit- will this use be more detrimental to the neighborhood?

This area of town and property has a history of multi-family residence consisting of 5 bedrooms. As discussed, this property was sober home for rehabilitating women until it was set fire by an arsonist. Now the property is a hazard and nuisance for the homeless population and children. The structure has been condemned by the fire department and has lowered property values.

My clients petition to build the three family will benefit the town and the community alike. There is an extreme need for affordable housing in Wareham – renters are pleading for units that safe for families and well kept. This property would only assist to aid the rental void here in Wareham, at the same time fixing a hazard for the town. The neighborhood property values would increase, a lack of housing is being addressed. He has built similar projects like this before (see the examples in the materials provided). The units over near Swifts Beach.

Its location near Cranberry Highway makes it easy to gain access to supermarket, schools, and childcare. This would be a great location and highest and best use for the property.

There is no detriment to the neighborhood as close by there are multiple family dwelling lots of even smaller size including but not limited to:

1. 19 Depot Street- which was approved last year for Variance which has three rental units
2. 23 Depot Street (2 Family- 15000 square feet)
3. 140 Minot Ave (4 family- 9400 square feet)

Allowing this Special Permit would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law.

Respectfully submitted,

By



Jilian A. Morton, Esq.

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: Stephen Webby

Applicant's Address: 20 North Park Ave, Suite #1100, Plymouth, MA

Telephone Number: _____

Cell Phone Number: 781-626-0700

Email Address: stephenwebby@yahoo.com

Address of Property/Project: 5 Tyler Ave, Wareham, MA

Landowner's Name: Donald Campbell

Owner's Address: PO Box 1509, Onset MA 02558

Telephone Number: _____

Contact Person: Jillian Matan Telephone Number: 508-295-2522

Map 15/1030 Lot _____ Zone MR30

Date Approved _____ Date Denied _____

Comments: _____

Attorney for Applicant - please send all correspondences to jam@matanlawllc.com

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 \$6.73 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: 5 Tyler Ave MAP: 15 LOT: 1030
ZONING DISTRICT: MR 30
USE REQUESTED: Residential - Multi-Family
OWNER OF LAND & BUILDING: Donald Campbell TEL.# _____
ADDRESS OF OWNER: PO Box 1509, Onset MA
PERSON(S) WHO WILL UTILIZE PERMIT: Stephen Webby
ADDRESS: 20 North Park Ave, Suite #100, Plymouth MA
DATE: 12/3/2020 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: _____

EXHIBIT A

TOWN OF WAREHAM ABUTTERS

MAP 15 LOT 1030

OWNER DONALD J & ANNE I CAMPBELL

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
15-1022/A	PATEL BHARTI B		7 DEPOT ST	E WAREHAM	MA	02538
15-1039	CURRIER TERRIA		2873 GRANBERRY HWY	E WAREHAM	MA	02538
15-1032	JOHNSON WILLIAM I		PO BOX 1208	SARASOTA	FL	34230
15-1029/B	MARSHALL JONATHAN	MARSHALL CAITLYN	7 TYLER AVE	E WAREHAM	MA	02538
15-1029/A	BACHANT WILLIAM P		9 TYLER AVE	E WAREHAM	MA	02538
15-1040/B	POWERS BROS LLC		3 TYLER AVE	E WAREHAM	MA	02538
15-1027/C1	VIEIRA-CARDOZA YVONNE		PO BOX 822	ONSET	MA	02558
15-1042	UNITED GOVERNMENT SECURITY	OFFICERS OF AMERICA INTL UNION	2879 GRANBERRY HWY	E WAREHAM	MA	02538
15-1046	STROSCIO CARMEN		88 LONGMEADOW RD	NORWOOD	MA	02062

CERTIFIED ABUTTERS AS THEY

APPEAR ON OUR TAX ROLLS

AS OF 10/30/2020

By: Patricia Aborn

ASSESSORS OFFICE

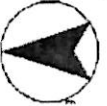
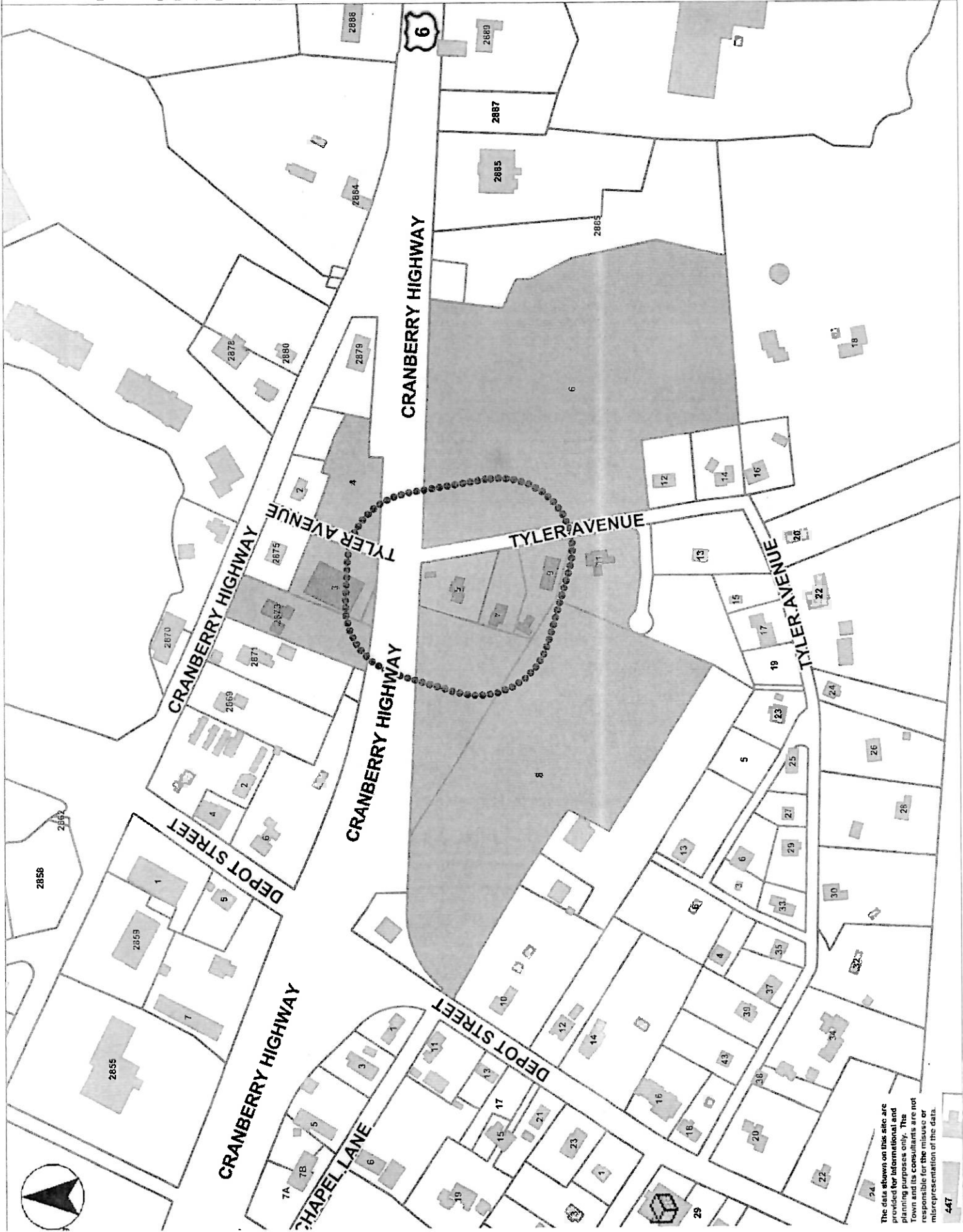
REQUESTED BY

JILLIAN MORTON

508 295-2522

JAM@MORTONLAWLLC.COM

- MA Places
 - Fire Station
 - Police Station
 - Town Hall
 - Public Library
 - School
 - Buildings
- Parcels
- Town Boundary
- MA Highways
 - Interstate
 - US Highway
 - Numbered Rd
- Streets
- Bathymetry
 - 0-5 ft
 - 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
- Abutting Town Label
- Abutting Towns



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

447

360 720 ft

Printed on 11/30/2020 at 09:01 AM

EXHIBIT B

OFFICE OF THE TREASURER

EDMUND ACAMY, Treasurer of the Town of Warren, pursuant and subject to the provisions of General Laws, Chapter 69, Section 27B, in consideration of Seventy Four Thousand and 00/100 (\$74,000.00) Dollars paid, hereby grants to DONALD CAMPBELL and ANNE CAMPBELL as *beneficiaries of a trust* the following

All that certain parcel of land containing 1,726 sq ft more or less, being Lot 1031, Sheet 15, located at 5A Tyler Avenue, East Wareham, Plymouth County, Massachusetts. For the Town's title, see Instrument of Taking recorded with Plymouth County Registry of Deeds in Book 1325, Page 239.

All that certain parcel of land with the buildings and improvements thereon containing 17,255 sq ft, being Lot 1030, Sheet 15 located at 5 Tyler Avenue, East Wareham, Plymouth County, Massachusetts. For the Town's title, see Instrument of Taking recorded with Plymouth County Registry of Deeds in Book 1345, Page 79.

This deed is given with the warranty that there has been full compliance with the provisions of G.L. c. 44 Section 61A.

An Arson Tax Delinquency Statement has been received from each grantee named herein in accordance with G.L. c. 60 Section 27B, paragraph 1.

Executed as a sealed instrument this 21st day of June, 2007.

Edmund Acamy
Date: 6/21/07
Treasurer

PROPERTY ADDRESS



Warren
Clerk of the Board of
Selectmen and Public
Health

EXHIBIT C



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L. Riquinha
Director of Inspectional Services

Stephen A. Webby
20 North Park Ave. Suite #1100
Plymouth, MA 02360

November 3, 2020

RE: 5 Tyler Ave.

I have reviewed your application to raze your existing dwelling, and reconstruct a larger residential structure at 5 Tyler Ave, in Wareham, MA. Your proposal does not comply with a number of the Towns' zoning regulations and must be denied at this time.

You have applied for a building permit to raze an existing, abandoned, single family structure and are proposing to replace it with a new three family residential structure on the same site. The new use is not permitted as of right in the MR-30 zoning district; however, it is permitted by Special Permit after review and approval from the Wareham Planning Board.

The change of Use from a single family dwelling to a three family structure requires compliance with current dimensional standards in place for that use. A three family structure in the MR-30 zoning district would require that the parcel contain a minimum of 75,000 square feet, and 250' of frontage. The parcel in question consists of 18,476 square feet and 163.52 lineal feet of frontage which are both deficient under current standards. A Variance would be required for the land area deficiency as well as an additional Variance for the lack of adequate frontage. Both requirements for relief fall under the jurisdiction of the Wareham Zoning Board of Appeals.

The application consisting of the submitted permit application documents together with the site plan by Webby Engineering labeled "5 Tyler Ave" comprised of one page dated August 4, 2020 is being denied under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 621, Residential Districts:** A three family dwelling requires 75,000 square feet and you are proposing 18,476 square feet. You must apply for and secure a Variance from the Zoning Board of Appeals.
- **Article 6, Table 621, Residential Districts:** A three family dwelling requires 250 lineal feet of frontage where you are proposing 163.52 lineal feet. You must apply for and secure a Variance from the Zoning Board of Appeals.
- **Article 3, Section 320, Table of Principal Use Regulations:** A three family dwelling in a new structure requires a Special Permit from the Planning Board.

The subject dwelling is located in the MR-30 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.

EXHIBIT D



EXHIBIT E





90037
Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
13 JUL 2001 11:48AM
JOHN P. BUCKLEY, JR.
REGISTER

Bk 20181 Pg 216-217

COMMONWEALTH OF MASSACHUSETTS
TOWN OF PLYMOUTH

OFFICE OF THE TREASURER

I, DALE ZACAMY, Treasurer of the Town of Wareham, pursuant and subject to the provisions of General Laws, Chapter 60, Section 77B, in consideration of Seventy Four Thousand and 00/100 (\$74,000.00) Dollars paid, hereby grant to DONALD J. CAMPBELL and ANNE I. CAMPBELL as *husband and wife as tenants in the entirety* residing at *1 Meadow Lane, Wareham, Massachusetts 02537*, the following described land:

All that certain parcel of land containing 1,726 sq. ft. more or less, being Lot 1031, Sheet 15, located at 5A Tyler Avenue, East Wareham, Plymouth County, Massachusetts. For the Town's title, see Instrument of Taking recorded with Plymouth County Registry of Deeds in Book 13251, Page 239

All that certain parcel of land with the buildings and improvements thereon containing 17,255 sq. ft., being Lot 1030, Sheet 15 located at 5 Tyler Avenue, East Wareham, Plymouth County, Massachusetts. For the Town's title, see Instrument of Taking recorded with Plymouth County Registry of Deeds in Book 11845, Page 71.

This deed is given with the warranty that there has been full compliance with the provisions of G.L. c. 44 Section 63A.

An Arson Tax Delinquency Statement has been received from each grantee named herein in accordance with G.L. c. 60 Section 77B, paragraph 3.

Executed as a sealed instrument this 28th day of June, 2001

Dale Zacamy
Dale Zacamy, Treasurer

5A Tyler Avenue, Wareham, MA
PROPERTY ADDRESS

Return to:
Kathleen M. O'Donnell, Esq.
Kaplanen and Pate, P.C.
31 St. James Avenue
Boston, MA 02116

CURRENT OWNER CAMPBELL DONALD J CAMPBELL ANNE I PO BOX 1509 ONSET, MA 02558 Additional Owners:	TOPO. 1 Level	UTILITIES 2 Public Water 4 Gas	STRT. ROAD 1 Paved	LOCATION 4 Bus. District	DESCRIPTION RES BLDG RES LAND	APPRaised Value 21,400 82,400	Assessed Value 21,400 82,400	925 WAREHAM, MA
Other ID:	SUPPLEMENTAL DATA							
Total Ac 0.44	Plan # 1031							
District 19	Assoc. Parcels							
S.C.E.	ASSOC PID#							
G/S ID: M_268902_834711	BK-VOL/PAGE 2018/1/216 11845/071	SALE DATE 07/13/2001 05/10/1993	U I	SALE PRICE 74,000	V.C. 1E			

RECORD OF OWNERSHIP									
CAMPBELL DONALD J									
TOWN OF WAREHAM									
PREVIOUS ASSESSMENTS (HISTORY)									
	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
	2019	1010	17,500	2017	1010	17,500	2017	1010	17,500
	2019	1010	83,200	2017	1010	83,200	2017	1010	83,200
Total:		103,800		Total:		100,700		Total:	
This signature acknowledges a visit by a Data Collector or Assessor									

OTHER ASSESSMENTS										
Year	Type	Description	Code	Amount	Number	Amount	Comm.	Int.		
Total:										

ASSESSING NEIGHBORHOOD									
NBHD: SUB	Street Index Name								
0050/A	Tracing								
NOTES									
EXT YELLOW VINYL									
FIRE 3/22/2014 ECO= CI									
PD 80									
HIGH ROOF-SHD DORMS									
INCLDS LOT 1031									
BLDG BOARDED UP/OVERGROWN; 8/19-NO									
TRESPASSING/VACANT/BOARDED/OVERGROWN									

EXEMPTIONS									
Total:									
APPRAISED VALUE SUMMARY									
Appraised Bldg. Value (Card)									
Appraised XF (B) Value (Bldg)									
Appraised OB (L) Value (Bldg)									
Appraised Land Value (Bldg)									
Special Land Value									
Total Appraised Parcel Value									
Valuation Method:									
Adjustment:									
Net Total Appraised Parcel Value									

BUILDING PERMIT RECORD										
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments		
R08133	08/14/2007	RF	Roofing	2,000	07/01/2008	100		20		
021097	06/04/2002	IN	Interior Renov	15,000	07/01/2003	100				
92017	07/03/1991	AD		1,200		100				

VISIT/CHANGE HISTORY									
Date	Type	IS	ID	Cd.	Purpose/Result				
08/05/2019	01		MT	50	50 Vision Review				
09/04/2018			KJ	04	04 Measur/Vacant Boarded				
06/12/2014			SB	50	50 Vision Review				
05/10/2014			PH	00	00 Measur+Listed				
09/02/2008			SS	25	25 Field Review Increase				

LAND LINE VALUATION SECTION												
Use Code	Use Description	Zone D	Front	Depth	Units	Unit Price	I. Factor S.A.	C. ST. Factor Idx Adj.	Notes-Adj	Special Pricing Spec Use	S Adj Fact Adj. Unit Price	Land Value
1	1010 SINGLE FAMILY	MR30 1	18,981 SF		4.34	1,000 5	1.00/0050	1.00		1.00		82,400
Total Card Land Units: 0.44 AC										Parcel Total Land Area: 0.44 AC		Total Land Value: 82,400

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd. Ch.	Element	Cd. Ch.
Style	06	Conventional	
Model	01	Residential	
Grade	03	Below Ave	
Stories	1.75	1 3/4 Stories	
Occupancy	1	MIXED USE	
Exterior Wall 1	25	Vinyl Siding	
Exterior Wall 2			
Roof Structure	03	Gable/Hip	
Roof Cover	03	Asphalt Shing	
Interior Wall 1	05	Drywall	
Interior Wall 2			
Interior Fir 1	06	Linoeum	
Interior Fir 2	12	Hardwood	
Heat Fuel	06	Propane Gas	
Heat Type	04	Forced Hot Air	
AC Type	01	None	
Total Bedrooms	05	5 Bedrooms	
Total Bthrms	1		
Total Half Baths	1		
Total Xtra Fixtrs			
Total Rooms	9	9 Rooms	
Bath Style	02	Average	
Kitchen Style	02	Average	
# of Fireplaces			
Fireplace Type			
Finish Bsmt SF			
Fin Bsmt Qual			
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)			
Code	Description	Sub	Sub Description
		L/B	Units
		Unit Price	Yr
		Gde	Dp
		Rt	Cnd
		%Cnd	Apr Value

BUILDING SUB-AREA SUMMARY SECTION			
Code	Description	Living Area	Gross Area
BAS	First Floor	1,125	1,125
CRL	Crawl Space	0	855
TOS	3/4 Story Fin	788	1,125
UBM	Basement Unfin	0	270
UST	Utility/Storage	0	15
Ttl. Gross Livable Area:		1,913	3,390

Code	Description	Eff. Area	Unit Cost	Undeprac. Value
				122,416
				0
				85,746
				5,876
				435
Ttl. Gross Livable Area:		1,913	3,390	214,473

