

\*\*\* Electronic Recording \*\*\*  
Doc#: 00067868  
Bk: 58374 Pg: 211 Page: 1 of 8  
Recorded: 10/19/2023 09:22 AM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

THE COMMONWEALTH OF MASSACHUSETTS

Town of Warcham

BOARD OF APPEALS

WARCHAM TOWN CLERK  
2023 SEP 27 09:22

Petition No. : 11-23  
Book: 57310 Page: 58  
Date: September 28, 2023

Certificate of Granting a Special Permit Site Plan Review and Variance  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Warcham hereby certifies that a Special Permit, Site Plan Review & Variance has been granted:

To: Peter Koulouras, Trustee

Address: P.O. Box 961

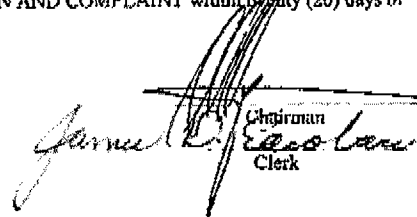
City or Town: North Falmouth, MA 02556

Affecting the rights of the owner with respect to land or buildings at 3127 Cranberry Highway, Warcham, MA 02571 Assessor's Map 8 Lot B

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Site Plan Review and Variance that copies of said decision, and of all plans referred to in the decision, have been filed with the ZBA, Conservation Commission, and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of the registered decision shall be returned to the Board of Appeals as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court of Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT within twenty (20) days of the date of filing of this decision.

  
Chairman  
Clerk

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Warcham and no appeal has been filed in accordance with Section 17, Chapter 40 A of the Massachusetts General Laws.

  
Town Clerk

OCT 18 2023

**TOWN OF WAREHAM**  
*Board of Appeals*  
**CLERK'S RECORD OF NOTIFICATION**

WAREHAM TOWN CLERK  
2023 SEP 27 PM 5:26

No. 11-23

Petition of: Peter Koulouras

Location of Property: 3127 Cranberry Highway, Wareham, MA 02571

Date of Notification of Hearing: 2, 2023 & February 9, 2023

Date of Hearing: April 12, 2023, June 14, 2023, July, 12, 2023, July 26, 2023, August 23, 2023, September 13, 2023

Date of Notification of Decision: September 13, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40 A of the Massachusetts General Laws.

.....  
*James W. Escobar*  
 .....  
*W. J. [Signature]*  
 .....  
*Vanessa DeBouin - ABSTAIN*  
 .....  
*[Signature]*  
 Board of Appeals

*[Signature]*  
Town Clerk

OCT. 10 2023

**NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS**

**Petition: 11-23**

**Applicant: Peter Koulouras, Trustee**

**Owner: Koulouras Family Trust**

**Owner Address: P.O. Box 961, N. Falmouth, MA 02556**

**Subject Property: 3127 Cranberry Highway, Wareham, MA 02571**

**Subject Property Parcel ID: Map 8 Lot B**

**Date of Public Hearing: April 12, 2023, June 14, 2023, July, 12, 2023, July 26, 2023, August 23, 2023, September 13, 2023, September 27, 2023**

**Date of Notice: September 28, 2023**

**Decision/Reason:**

The Petitioner was heard before the Zoning Board of Appeals starting in April 12, 2023, pursuant to a Denial Letter dated January 11, 2023, issued by the Building Commissioner, who determined that the Petitioner's plan to construct a 30 X 40' commercial building at 3127 Cranberry Hwy in the CS, Strip Commercial Zone required a Variance for Lot Area and Frontage. During the hearing, the Zoning Board of Appeals determined that the project also needed to go through Special Permit Site Plan Review pursuant to Article 15 of the Wareham Zoning Bylaws. Also noting that pursuant to Section 1520 (2<sup>nd</sup> Paragraph) of the Bylaw:

[W]here the applicable development requires a... Variance from the Board of Appeals, the Special Permit Granting Authority (SPGA) under Section 1510 of this By-Law shall be the Board of Appeals.

Accordingly, the Petitioner brought the application to the Board of Appeals which granted the Special Permit Site Plan Review on September 13, 2023.

**Special Permit Site Plan Review:**

The peer review engineer thoroughly commented on all of the Petitioner's engineering and architectural plans for the project. The petitioner worked with the Town departments to solidify the plan and pursuant to Section 1510 and 1520 of the bylaws the Board unanimously voted to approve the Site Plan Review for the project.

This Project seeks ten (10) or more parking spaces. The Board further finds per Section 1510.1- the plans submitted in support of this application demonstrate that the adjacent areas are protected against detrimental uses on the site, and the plans provide adequate surface water drainage, buffers against lighting sounds, and any nuisance. The project seeks to improve the use of a now vacant parking lot as a useful extension of the applicant's business which also improves the parking on the applicant's other lot and creates additional, valuable development along Cranberry Highway.

Based upon the above, the Board votes to grant the Petitioner the Special Permit Site Plan Review as submitted and approved on full plans entitled "Peter Koulouras -Site Plan Development 3127 Cranberry Highway" dated September 12, 2023 prepared by G.A.F. Engineering Inc.

Further, the granting of this Special Permit Site Plan Review Approval, is subject to the following conditions:

**Conditions:**

1. The development is to be constructed per the plans submitted with the application, entitled Peter Koulouras -Site Plan Development 3127 Cranberry Highway" dated September 12, 2023 prepared by G.A.F. Engineering Inc.
2. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.

3. Any relief not expressly granted hereunder is hereby denied.
4. For this decision to become effective, a copy of said decision and notice thereof must be filed at the Plymouth County Registry of Deeds and must bear the certification of the Town Clerk that twenty (20) days have elapsed and no appeals have been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must be thereafter filed with the Board of Appeals.
5. If substantial use or construction permitted by this Special Permit Site Plan Review has not commenced within two years from the date of which a copy of this decision is filed with the Town Clerk, excluding the amount of time required for an appeal period to expire & the amount of time required to pursue and await the determination of any such appeal, then this Special Permit/Variance shall expire in so far as the foregoing statement is modified by Chapter 195 of the Acts of 1984. Any person exercising rights under a duly appealed Special Permit/Variance does so at the risk that a court may reverse the permit & any construction performed under the permit may be ordered undone.
6. Any person aggrieved by this decision of the Zoning Board of Appeals may file an appeal pursuant to the provisions of M.G.L. Chapter 40A, section 17 within twenty (20) days of the filing of this decision in the office of the Town Clerk. If no appeal is taken within the allotted time, the Clerk will so certify.
7. If the applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for approval shall apply to such modification and a public hearing shall be required by the ZBA; provided, however, that the ZBA may determine that a proposed modification is insubstantial and approve the same without the need for any further ZBA approval.

**VOTE: (5-0-0) By the Wareham Zoning Board of Appeals.**

### **Variance from the Minimum Frontage and Lot Size**

As for the statutory requirements, this lot is unique in that it is situated on a major highway and abuts the railroad on the back. The build meets all other zoning requirements as well including setbacks and is reducing the impervious coverage on site drastically. The Board heard evidence in the form of testimony through counsel.

The Board found that the literal enforcement of the bylaw would make the property unbuildable and create financial hardship for the petitioner and the owner. The granting of this Variance keeps with the nature of this commercial area, and it keeps with the nature of other small lots on road many of which have less frontage and area.

Lastly, granting the Petitioner the relief being requests in no way derogates from the intent of the zoning by. The building keeps with the nature of the Cranberry Highway.

All things considered, the Board found this Variance would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning by Law. The Board heard evidence from the owner, the developer of the project, and their legal counsel. Therefore, the case meets all of the statutory requirements under the Wareham Zoning Bylaws for Variance and Chapter 40A Section 10.

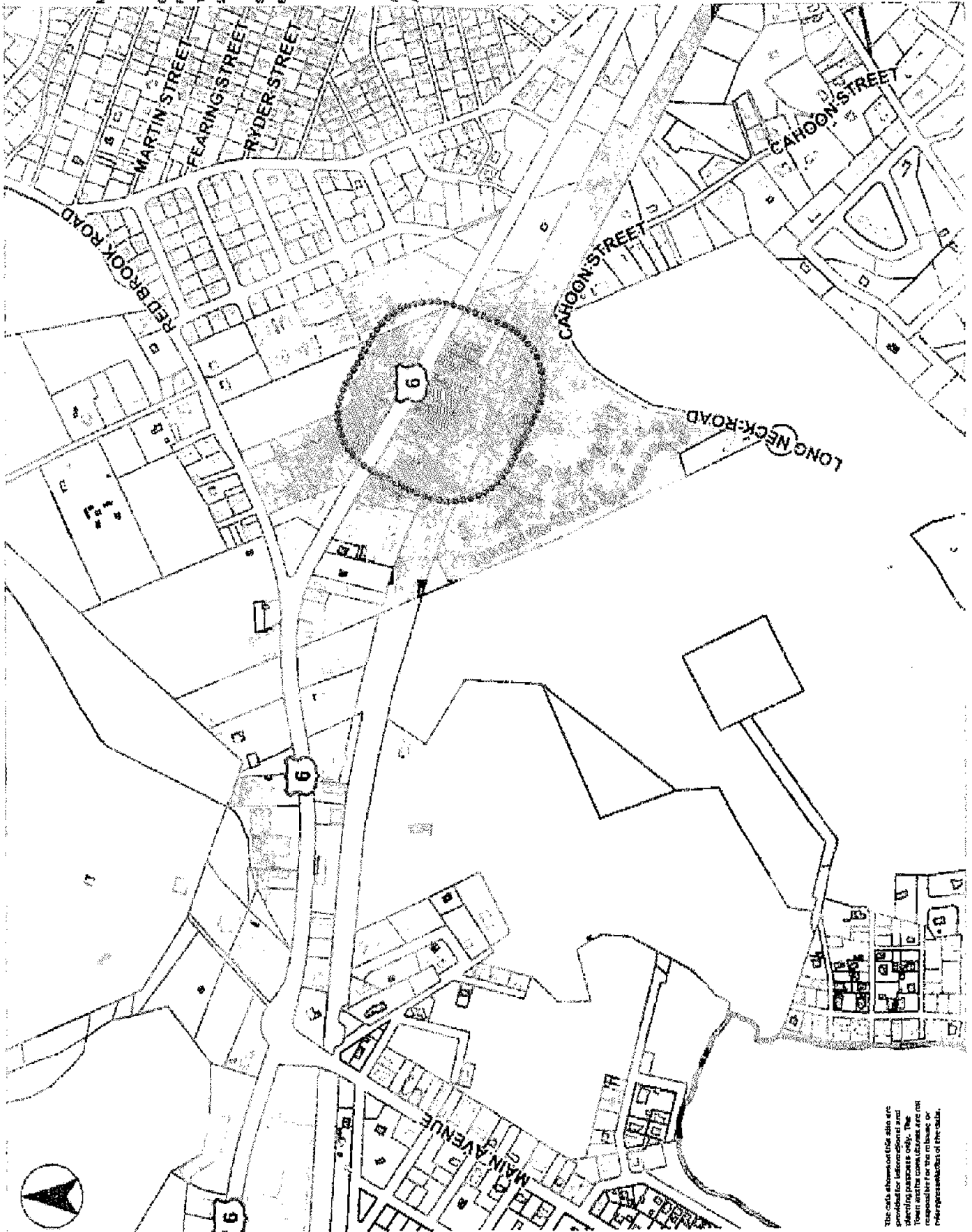
**VOTE: (4-0-1) By the Wareham Zoning Board of Appeals. Veronica Debonise Abstains(variance)**

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 8 LOT 1022/A 300'						
OWNER ANDERSON-FERREIRA LLC						
8-1019-A	MOUZITHRAS EMMANUEL TRUSTEE	E M REALTY TRUST	3119 CRAN HWY ST 5A	E WAREHAM	MA	02538
8-1004	MARINO GUY TRUSTEE OF THE LPY	REALTY TRUST	44 CANTERBURY DR	PLYMOUTH	MA	02360
8-1029-6	SAPETA EDMUND		6 OAKMONT DR	BUZZARDS BAY	MA	02532
8-1029-35	COLLINS NEIL F	COLLINS SHIRLEY A	35 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-15	MORRISSEY TAMMY M		15 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-30	SCHUMACHER EUGENE F	SCHUMACHER MARY T	30 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-3	INGALA ROBERT J	INGALA MARIA C TRUSTEES	3 TAPPAN WAY	LYNNFIELD	MA	01940
8-1029-34	ROGERS STEPHEN P	ROGERS ELAINE F	34 BAY POINTE DR EXT	BUZZ BAY	MA	02532
8-1029-22	TOURIGNY ROBERT J	TOURIGNY ROSE J	22 BAYPOINT DR EXT	BUZZARDS BAY	MA	02532
8-1029-26	HASTINGS GRIFFITH R	HASTINGS SHEILA A	26 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-12	HOBBS BARBARA R	MORSE ROBERT E	12 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-31	BLACK ROBERT E		31 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-1	FLAHERTY STEPHEN		1 OAKMONT DRIVE	BUZZARDS BAY	MA	02532
8-1029-27	KAWA STEVEN		7665 SPANISH BAY DR	LOS VEGAS	NV	89113
8-1029-14	FLEMING DOUGLAS J	FLEMING CAROLYN J	14 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-28	FRANKS ANN	FRANKS CHARLES J JR	28 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-9	MORRISSEY ARTHUR		9 OAKMONT DRIVE	BUZZARDS BAY	MA	02532
8-1029-29	COUGHLAN JOHN F & JUDITH A TRUSTEES	THE COUGHLAN 2007 REVOCABLE TRUST	29 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-24	MCLEOD CHAD		24 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-40	PURRIER JEAN C TRUSTEE	JEAN C PURRIER LIVING TRUST	40 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029/P	BAY POINTE TRUST	C/O BAYPOINTE CLUB LLC-ATTN TIM FAY	1275 WAMPANOAG TRAIL STE 14	E PROVIDENCE	RI	02915
8-1029-66	SKIESGELAS SAUNDRA S		261 E HARTFOR ST U4A	HERNANDO	FL	34442
8-1029-11	FOLEY ANN-MARIE		11 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-63	SALEM GEORGE	SALEM SHARON	63 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-23	BOCK JOSEPH J	BOCK BETTY LAKE	23 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-54	OUELLETTE BRIAN L	OUELLETTE ERIN T	54 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-8	BARNES LAUREN BETH		18 OAKMONT DRIVE	BUZZARDS BAY	MA	02532
8-1029-69	MCINTOSH DAVIS C	MCINTOSH MYRA E	69 BAY POINTE DR EXT	BUZZ BAY	MA	02532
8-1029-7	RIST JOHN R	SULLIVAN KATHLEEN N	192 SO MAMMOTH RD	MANCHESTER	NH	03109
8-1029-57	TILGHMAN MICHELLE M TRUSTEE	HELEN CICORIA REV TRUST	57 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-4	WISEMAN JOHN	WISEMAN NANCY A	4 OAKMONT DR #1	BUZZARDS BAY	MA	02532
8-1029-60	KILROY JOHN R	KILROY FRANCES L	60 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532

8-1029-25	PARADISE EDWARD J JR	PARADISE MARYANNE	25 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-39	MILNER PETER C	MILNER CAROL A TRUSTEES	39 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-17	WILLIAM WILLIAM L		17 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-65	CARDIN JULES J JR	CARDIN LAUREN M	PO BOX 467	ONSET	MA	02558
8-1029-21	CONTI JUSTINE C LIFE ESTATE		21 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-53	MCSAAC GAIL		53 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-20	MEHTALA DEBORAH CLARKE		20 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-37	MACDONALD KAREN A		37 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-16	GAY SHARON J		16 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-64	RODERIQUES ARTHUR P	RODERIQUES DONNA M	64 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-19	MULLER MELINDA TRUSTEE	MULLER CHRISTOPHER TRUSTEE	19 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-43	RUSCETTA RICHARD G	RUSCETTA MARION E	43 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-18	GRANDY JOHN	GRANDY JOYCE	18 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-44	BOWKER ROBERT E	BOWKER VERONICA	44 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-5	MORIARTY ROBERT TRUSTEE	MORIARTY FAMILY REV TRUST	5 OAKMONT DRIVE	BUZZARDS BAY	MA	02532
8-1029-45	LETOURNEAU LOIS S LIFE ESTATE		45 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-10	MULLEN RICHARD A	MULLEN BEVERLY E	10 BAY POINTE DR EXT	BUZZ BAY	MA	02532
8-1029-50	CODERRE CLAUDETTE		50 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-2	LABA CYNTHIA M TRUSTEE	LABA FAMILY IRREV TRUST	2 OAKMONT DRIVE	BUZZARDS BAY	MA	02532
8-1029-38	LLOYD ANDREW H	LLOYD KATHLEEN ANNA	38 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-13	LANGLAIS DENNIS J	LANGLAIS BRENDA L	6 KIOWA RD	SALEM	NH	03079
8-1029-62	MCCLURG KEVIN J	MCCLURG JANICE F	62 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-68	YANKOPOULOS JUDITH A TRUSTEE	68 BAY POINT DRIVE REAL ESTATE TR	68 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-36	MCGONNELL JOHN A	MCGONNELL DEBORAH	36 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-33	CHAPUT STEVEN + LORI A TRS	2022 CHAPUT FAMILY TRUST	33 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-41	TURNER STEPHEN J		PO BOX 123	LINCOLN	NH	03251
8-1029-42	OLIVEIRA WILLIAM M	OLIVEIRA DARLENE M	42 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-32	MCCARTHY CYNTHIA A		32 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-67	HORTON E WAYNE & DOROTHY W TR	HORTON E WAYNE & DOROTHY W TR	67 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-58	HENSON-BROSILER DENISE	BROSILER ERIC	1057 HILLSBORO MILE APT #514	HILLSBORO BEACH	FL	33062
8-1029-59	PICKETT ALEXANDER L	PICKETT SANDRA	59 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1029-61	CIACCIO PHILIP M	CIACCIO KATHLEEN L TRUSTEES	61 BAY POINTE DR EXT	BUZZARDS BAY	MA	02532
8-1020	KOULOURAS PETER TRUSTEE	OF THE KOULOURAS FAMILY TRUST REALTY TRUST	PO BOX 961	N FALMOUTH	MA	02556
8-1006/A	MARINO GUY J TRUSTEE OF LPX		44 CANTERBURY DR	PLYMOUTH	MA	02360
8-1022/A	ANDERSON-FERREIRA LLC		3127 CRANBERRY HWY	E WAREHAM	MA	02538
8-1007/B	AKKAWI MUSTAPHA A TRUSTEE	AKKAWI FAMILY REALTY TRUST	403 CAIRN RIDGE RD	E FALMOUTH	MA	02536
8-1021	GIANCOLA PROPERTIES LLC		PO BOX 3	POCASSET	MA	02559
8-1007/A	AKKAWI FAMILY TRUST LLC THE		403 CAIRN RIDGE RD	E FALMOUTH	MA	02536

8-1069	COMM OF MASS	EXEC OFFICE OF TRANS & CONSTRUCT	10 PARK PLAZA RM 3170	BOSTON	MA 02116
CERTIFIED ABUTTERS AS THEY APPEAR ON OUR TAX ROLLS AS OF 1/24/2023					
<i>by Romi Olivio</i> ASSESSORS OFFICE					
REQUESTED BY CHERYL SILVA 508 295-2522 CHERYL@MORTONLAWLLC.COM					

- MA Pincodes
- Fire Station
- Police Station
- Public Library
- Public School
- Buildings
- Parcels
- Town Boundary
- MA Highways
- US Highways
- US Post Office
- Streets
- Orthophoto
- 5-10 ft
- 10-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Abutting Town Labels
- Abutting Towns



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

Printed on 01/24/2023 at 09:17 AM

800 1600 ft

MapsOnline by PeopleGIS