WAREHAM TOWN CLERK
2024 JAN 2 PM5:03

ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 12-23

Petitioner Name: SHM Onset Bay, LLC. (F/K/A BOBM, Inc.)

Map: 3

Lots: 1014

Address: 18 Green St

Project: Proposing to reconstruct non-conforming racks

Special Permit and/or Variance Both (Circle one)

Reason for granting/denying the application:

SEE ATTACHED

Conditions:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 12-23
Book: 46467 Page: 57
Date: December 28, 2023

Certificate of Granting a Special Permit
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Wareham hereby certifies that a Special Permit has been granted:

To: SHM Onset Bay, LLC. (F/K/A BOBM, Inc.)

Address: 14785 Preston Rd, Suite 975

City or Town: Dallas, TX 75254

Affecting the rights of the owner with respect to land or buildings at 18 Green St, Wareham, MA 02571
Assessor's Map 3 Lots 1014

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Special Permit and 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 special permit, 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 the appeal has been filed within such time, 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 exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

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

TOWN OF WAREHAM

Board of Appeals

CLERK'S RECORD OF NOTIFICATION

No. 12-23

Petition of: SHM Onset Bay, LLC. (F/K/A BOBM, Inc.)

Location of Property: 18 Green St.

Date of Notification of Hearing: April 6, 2023, April 13, 2023, November 30, 2023 & December 07, 2023

Date of Hearing: April 26, 2023, May 24, 2023 & December 27, 2023

Date of Notification of Decision: May 25, 2023 & January 4, 2024

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

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Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 12-23
Applicant: SHM Onset Bay, LLC. (F/K/A BOBM, Inc.)
Owner: SHM Onset Bay, LLC.
Owner Address: 14785 Preston Road, Suite 975, Dallas, TX 75254
Subject Property 18 Green St, Wareham, MA 02571
Subject Property Parcel ID: Map 3, Lots 1014
Date of Public Hearing: April 26, 2023 and May 24, 2023, December 27, 2023
Date of Notice: May 25, 2023 and January 4, 2024

Decision/Reason:

The applicant/owner is proposing to reconstruct boat storage racks, which are pre-existing, non-conforming within the side yard setback and the setback to the residential district in the MAR zoning district. The proposed boat racks require a Special Permit according to the Building Commissioner/ZEO based on the Wareham Zoning By-Laws. After taking testimony at a duly noticed Public Hearing, the Zoning Board of Appeals found that the proposed project fits with the character of the existing area and does not create a substantial impact to the neighborhood.

Findings:

1. The subject property is located at 18 Green St, Wareham, MA 02571, on a public right-of-way, and comprises approximately 60,984 square feet of area in the MAR zoning district. The minimum lot size for the district is 30,000 square feet for non-residential use.

2. A non-residential use, marina and boatyard, is located on the subject property and an allowed use in the MAR district.

3. There are multiple boat storage racks on the property. The applicant is proposing to reconstruct a legal nonconforming boat storage rack that is located within the side yard and residential district set-back. The boat rack on the west side of the property, is moving from 6 ft to 16 ft away from the side lot line, and is within the side yard setback requirement of 20 ft and within 50 feet of the nearest residential district line.

4. The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-Law.

5. The Board found the proposal is not substantially more detrimental to the neighborhood.

Pursuant to G.L. c. 40A, s. 9 and Sections 1460 of the Zoning By-Law, after public hearings and findings of fact, the Zoning Board of Appeals, hereby GRANTS to the Applicant a Special Permit to construct a boat storage rack structure within the side yard set-back and the setback to a residential district on the Subject Property, in the MAR zoning district, subject to the following conditions:

Conditions:

1. The site shall be developed according to the site plan prepared by Merrill Engineering, Inc., dated 3/13/2023 and presented to the ZBA on April 26, 2023.
2. Any relief not expressly granted hereunder is hereby denied.
3. Construction activities shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 4:00 p.m. on Saturdays. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or

machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris. and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above.

4. The Applicant shall implement dust control operations, in an approved manner, whenever necessary or when directed by the Building Commissioner. Methods of controlling dust shall meet all air pollutant standards as set forth by Federal and State regulatory agencies.
5. 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 in the case of a Special Permit, an appeal has been properly filed within such time. A certified copy of said recording must be thereafter filed with the Board of Appeals.
6. If substantial use or construction permitted by this Special Permit 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 and the amount of time required to pursue and await the determination of any such appeal, then this Special Permit 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 does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.
7. 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.
8. If the applicant wishes to modify the approved Record Plans, the applicant 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.

At the May 24, 2023 Public Hearing, Mr. Morrison made a motion to close the public hearing; second by Mr. Larson. Vote to close public hearing 5-0-0.

At the May 24, 2023 Public Hearing, following discussion between the Board members to determine if this is a Special Permit or Variance; Mr. Semple made a motion that the proposed project as presented is a Special Permit, second by Mr. Larson. The Board voted 4-1-0 (Ms. DeBonise voted no).

At the May 24, 2023 Public Hearing, Mr. Semple made a motion to approve the plans as presented to move the boat racks 6 ft to 16 ft from the side yard property line. Mr. Eacobacci recommended a condition that the racks not be used from November 31 to April 1. Following discussion between the Board members, Mr. Eacobacci withdrew the condition.

At the May 24, 2023 Public Hearing Ms. DeBonise motioned to grant the special permit, as presented with conditions, to move the boat racks 6 ft to 16 ft from the side yard property line with a maximum height of 33 feet; Mr. Elkallassi second. The Board voted 4-0-1 (Mr. Semple abstained) to approve.

VOTE: (4-0-1) By the Wareham Zoning Board of Appeals to approve

The May 24, 2023 Decision of the Board having been duly appealed by the applicant for the thirty-three (33) foot height limitation only, the Board held a duly noticed public hearing upon the allowance of a joint motion for remand made by both the Town of Wareham and the Applicant. At the December 27, 2023 Public Hearing after presentation by the applicant, discussion with town counsel, board members and public testimony, Mr. Eacobacci made a motion to delete the height condition of thirty-three (33) feet from the May 24, 2023 Decision and directed that the applicant be subject only to the height limitation of the MAR district as stated in the bylaw (45 feet for structures); Mr. Elkallassi second. The Board voted 4-0-1 (Ms. DeBonise abstained) to approve.

VOTE: (4-0-1) By the Wareham Zoning Board of Appeals to approve.

Submission #124

View | Delete

Previous submission Next submission

Print Resend e-mails

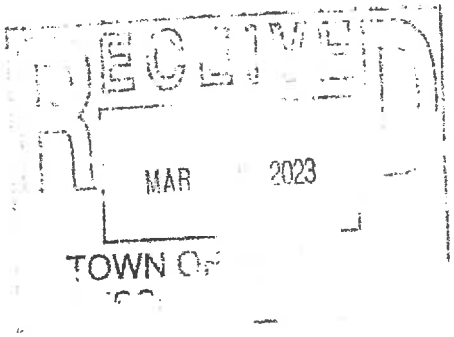
Submission information

Form: Abutter Request Form - Online
Submitted by Anonymous (not verified)
March 2, 2023 - 1:53pm
24.60.41.23

Contact Information
Irene Coleman, Merrill Engineers & Land Surveyors

Phone Number:
781-887-3225

Email Address:
icoleman@merrillinc.com



Date of Request:
March 2, 2023

Owners Name:
Bobm Inc.

Property Location:
18 Green Street

Map/Lot
Map 3 Lot 1014

Distance Required
300'

Which Board are you appearing before?
Zoning Board of Appeals

Previous submission Next submission

TOWN OF WAREHAM ABUTTERS
MAP 3 LOT 1014
OWNWER BOBM INC

MAP & LOT	SMITH CHRISTINE B,	STREET ADDRESS	TOWN & STATE	ZIP CODE
3A-1-2.B	COE JOHN M TRUSTEE, 5 MAPLE AVENUE REALTY TRUST	3 SETTLERS DR,	LAKEVILLE, MA	02347
3A-1-3.B	KIM EVELYN	9 MAPLE AVE,	BUZZARDS BAY, MA	02532
3-0-1014	BOBM INC,	14785 PRESTON RD STE 795	DALLAS, TX	75254
3A-3-215.D	SMITH CHRISTINE B,	19 PROSPECT ST,	BUZZARDS BAY, MA	02532
3A-3-6.C	HEMSLEY-GAKIDIS REBECCA,	12 GREEN ST,	BUZZARDS BAY, MA	02532
3-0-1033.A	TOWN OF WAREHAM,	54 MARION RD,	WAREHAM, MA	02571
3-0-190	DOUCET MARYROSE E, C/O MARK A DOUCET	91 RING RD,	KINGSTON, MA	02364
3-0-191	GULLBRANTS MICHAEL F,	54 ANDREWS ST,	BUZZARDS BAY, MA	02532
3-0-207	HIGGINS SHIRLEY A, LIFE ESTATE	18 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-208	GUGGENHEIM HOWARD G, GUGGENHEIM LENAE	22 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-217	BIGELOW TIMOTHY E, BIGELOW BARBARA	25 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-M1	OLSON CLIVE V TRUSTEE, CYC REALTY TRUST	35 MAPLE ST,	BUZZARDS BAY, MA	02532
3-0-253.A	TRAMONTOZZI FRANK A, TRAMONTOZZI DONNA M	4 PETREL ST	W ROXBURY, MA	02132
3-0-253.B	KALLSTROM JAMES TRUSTEE, JAMES KALLSTROM REV TRUST	575 MINE HILL RD,	FAIRFIELD, CT	06824

CERTIFIED ABUTTERS AS THEY APPEAR ON
OUR TAX ROLLS AS OF 3/6/2022

M. Renie Atkins

ASSESSORS OFFICE

REQUESTED BY
IRENE COLEMAN
781 887-3225
ICOLEMAN@MERRILLINC.COM

18 green st.

TOWN OF WAREHAM ABUTTERS				
MAP 3 LOT 1014				
OWNER BOBM INC				
MAP & LOT	OWNER	STREET ADDRESS	TOWN & STATE	ZIP CODE
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3A-1-3.B	KIM EVELYN	9 MAPLE AVE,	BUZZARDS BAY, MA	02532
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3-0-1033.A	~~TOWN OF WAREHAM,~~	~~54 MARION RD,~~	~~WAREHAM, MA~~	~~02571~~
3-0-190	DOUCET MARYROSE E, C/O MARK A DOUCET	91 RING RD,	KINGSTON, MA	02364
3-0-191	GULLBRANTS MICHAEL F,	54 ANDREWS ST,	BUZZARDS BAY, MA	02532
3-0-207	HIGGINS SHIRLEY A, LIFE ESTATE	18 PROSPECT ST,	BUZZARDS BAY, MA	02532
3-0-208	GUGGENHEIM HOWARD G, GUGGENHEIM LENAE	22 PROSPECT ST,	BUZZARDS BAY, MA	02532
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CERTIFIED ABUTTERS AS THEY APPEAR ON		14 abutters		
OUR TAX ROLLS AS OF 3/6/2022				
ASSESSORS OFFICE				
REQUESTED BY				
IRENE COLEMAN				
781 887-3225				
ICOLEMAN@MERRILLINC.COM				