



TOWN of WAREHAM
Massachusetts
BUILDING DEPARTMENT

Paul Turner
Director of Inspectional Services

CERTIFIED MAIL
REGULAR MAIL
EMAIL: chartwell@jessicaclarkelaw.com

February 27, 2023

Lynelle Butterfield and Tenant(s)
C/o Craig N. Hartwell, Esq.
The Law Office of Jessica Clarke, PC
P.O. Box 468
Wareham, MA 02571

RE: 12 Great Neck Road

**NOTICE OF RESCINDING VIOLATION LETTERS DATED
AUGUST 24, 2022/ SEPTEMBER 22, 2022/ NOVEMBER 21, 2022**

Ms. Butterfield, it has come to the attention of the Building Department that your tenant, Peace for All Animals, Inc. of 12 Great Neck Road has not exercised the Special Permit 25-12 granted to you on December 26, 2012 by the Wareham Zoning Board of Appeals.

Your attorney, Craig N. Hartwell, stated in his application letter to appeal my Notice of Violation Letter dated November 21, 2022, to the Wareham Zoning Board of Appeals, dated December 20, 2022 that “a Veterinary Hospital is defined by the Wareham Zoning Bylaws in Section 340.2: Veterinary Hospital; A **building** providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care. *Wareham Zoning Bylaws, 340.2*”.

Attorney Hartwell also wrote, “Contrary to the Notice, **there is no evidence of a building on the property that is being used for the diagnosis and treatment of ailments of animals with more than three animals therein. There is no other violation alleged as to the keeping of animals on the property.**”

Attorney Hartwell also stated at the Zoning Board of Appeals public meeting on February 8, 2023, “not diagnosing or treating animals and no building is currently being used as a veterinary hospital”

Therefore, it is my opinion that the Special Permit 25-12 granted to you from the Zoning Board of Appeals, December 26, 2012 has not been exercised and has now expired as per Chapter 40A, Zoning, Section 9, Paragraph 16:

Zoning ordinances or by-laws shall provide that a special permit granted under this section shall lapse within a specified period of time, not more than 3 years, which shall not include such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

As a result of this information, I am rescinding the three Notice of Violation Letters issued to you on the following dates; August 24, 2022, September 22, 2022 and November 21, 2022. They are being rescinded due to the fact that the violation notice letters referred to Special Permit 25-12 that had expired due to a lack of substantial use. After extensive research viewing numerous Facebook postings by Peace for Ponies and from information on their website, over the past week, the operation at 12 Great Neck Road in my opinion has never been operated as a Veterinary Hospital but as an unregistered Animal Rescue/Adoption service. The Massachusetts Department of Agricultural Resources requires that shelter/rescue organizations register with them as per MGL Chapter 129 Section 39A. Peace for All Animals Inc. and/or Peace for Ponies is not listed on the Approved Animal Shelter/Rescue Website as of February 26, 2023.

Respectfully,



Paul E Turner
Building Commissioner
Zoning Enforcement Officer

It is the owners' responsibility to check with other departments 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.