



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

REVISED NOTICE OF VIOLATION DATED FEBRUARY 27, 2023

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, “are 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 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.

The Use, **Animal Rescue/Adoption service is not allowed** under Article 3: Use Regulations, section 320 Table of Principal Use Regulations, Animal Related Uses, R-30.

The Use, Animal Rescue/Adoption service was determined from viewing numerous Facebook postings by Peace for Ponies and from information found on their website. To verify the physical site, I contacted Attorney Hartwell to obtain permission to observe the location. Permission was granted by Attorney Hartwell via telephone conversation on February 23, 2023 to visit the location at 12 Great Neck Road at 12:00pm that same day. Mr. Hartwell instructed me not to engage in communication with Ms. Bond and to direct any questions or communications to him; with which I complied.

I arrived on site with the administrative assistance of the Building Department, Jenna Deane, whom I instructed to take notes and photograph the site. We were met at the rear gate by Kendra Bond, who invited us to enter the rear of the property. We were given a tour of the property by Ms. Bond and viewed the area and made several observations. The site contained eight accessory buildings, numerous pens and animals. I observed and counted four donkeys, one pig, one rabbit and six chickens. Ms. Bond stated that there were three dogs in the house. The site has only one building permit on record for a 10' by 16' shed. All the sheds appeared to be encroaching on the side property lines.

Remedy: Remove all animals from the site except up to three dogs within 30 days receipt of this letter. Submit seven individual Zoning Approval applications for the buildings that are less than 200 sq. ft., with proper documentation for issuance. The complete application must be submitted within 15 days of receipt of this letter, or the buildings must be removed. Most importantly, submit an accurate site plan showing the precise location of each building on the lot in reference to the side and rear property lines due to the limited size of the lot.

For informational purposes the following definitions are being provided as per the Town of Wareham's Zoning By-Laws definitions:

Accessory Building; A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building; A combination of any materials, whether portable or fixed, having a roof, and enclosed within exterior walls or firewalls; built to form a structure for the shelter of persons, animal or property. For the purpose of this definition, "roof" shall include any awning or similar covering, whether or not permanent in nature.

Respectfully,

A handwritten signature in cursive script, appearing to read "Paul E. Turner". The signature is written in black ink and is positioned to the right of the word "Respectfully,".

Paul E Turner
Building Commissioner
Zoning Enforcement Officer

ARTICLE 14: Administration of the Town of Wareham Zoning Bylaws, PROSECUTION OF VIOLATION 1442.1; any person, firm, or corporation violating any of the provisions of the By-law shall be liable for a fine of not more than three hundred dollars (\$300.00) for each violation. Each day the violation exists shall constitute a separate offense.

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.