

ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 18-22

Petitioner Name: Tyrone & Jenna Cardoza

WAREHAM TOWN CLERK  
2022 JUL 21 PM 3:12

Map: 43

Lot: 1069

Address: 140 Minot Avenue

Project: Proposing to change the Use of the existing structure from a mixed use building to a six unit residential structure

Special Permit

~~Variance~~

Both (Circle one)

Reason for granting/denying the application:

findings  
Not detrimental to neighbors

Conditions:

1. 4 UNITS TOTAL
2. ~~\_\_\_\_\_~~
3. ~~\_\_\_\_\_~~
4. STANDARD CONDITIONS
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Town of Wareham

BOARD OF APPEALS

Petition No. : 18-22  
Book:51210 Page: 0346  
Date: 07/13/2022

Certificate of Granting of Variance  
(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: Tyrone & Jenna Cardoza

Address: 4 Old Onset Road

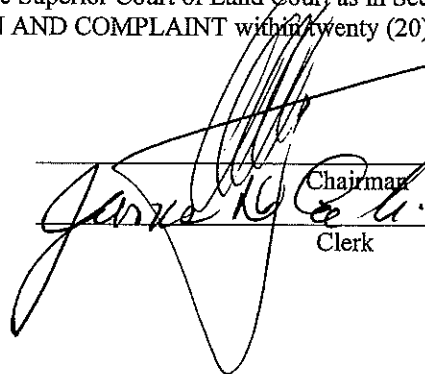
City or Town: Onset, MA

Affecting the rights of the owner with respect to land or buildings at 140 Minot Avenue, Assessor's Map 43 Lot 1069

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 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

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

No. 18-22

Petition of: Tyrone & Jenna Cardoza

Location of Property: 140 Minot Avenue

Date of Notification of Hearing: June 22, 2022 and July 13, 2022

Date of Hearing: July 13, 2022

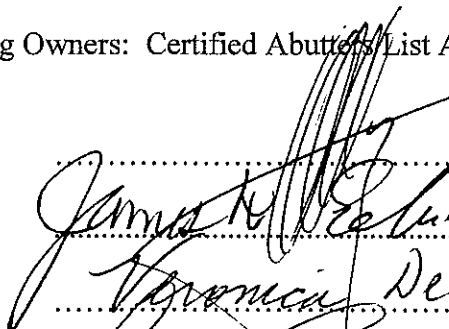
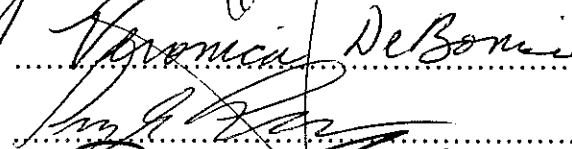

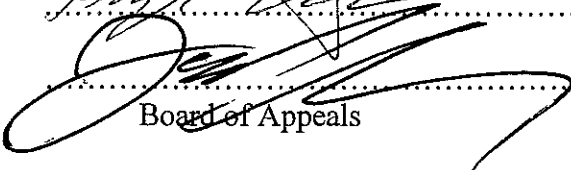
Date of Notification of Decision: July 13, 2022

DECISION: See attached

REASON:

WAREHAM TOWN CLERK  
2022 JUL 21 PM 3:12

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: 18-22**

**Applicant/Owner: Tyrone & Jenna Cardoza**  
**Owner Address: 4 Old Onset Road, Onset MA**  
**Subject Property Address: 140 Minot Avenue**  
**Subject Property Parcel ID: Map 43, Lot 1069**  
**Date of Public Hearing: July 13, 2022**  
**Date of Notice: June 22, 2022**

### Decision/Reason:

The Zoning Board of Appeals grants a Special Permit for the change of use of the structure from a mixed-use building to four residential dwelling units. The Board held a public hearing, took testimony and reviewed the filed documentation.

The Board found that the proposed use is in keeping with the characteristics of the neighborhood and so is not more detrimental to the neighborhood, and therefore is entitled to a Special Permit. The project does not create a substantial impact to the neighborhood, and relief under this application is not found to derogate from the Zoning By-Law, and meets the standard conditions under MGL Chapter 40A Section 9.

The Board finds the proposal meets the tests under State law for a Special Permit, and grants the requested relief.

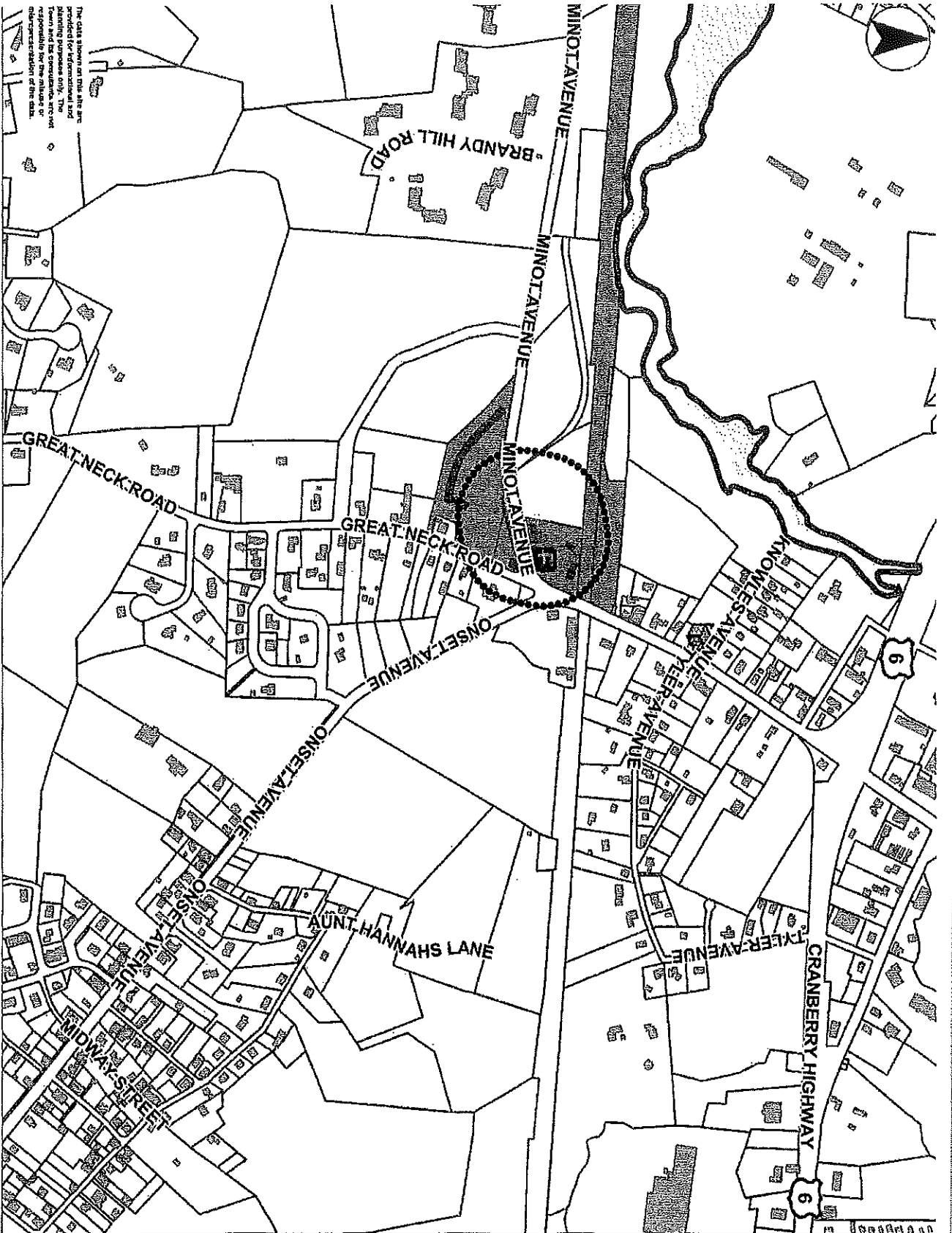
### Conditions:

1. The relevant site plan submitted with the application is entitled "140 Minot Road" prepared for Jenna Cardoza, 4 Old Onset Road, Onset, MA 02558, dated April 20, 2022, and plan set by Austin Design, dated March 30, 2022.
2. Prior to the issuance of a building permit, the applicant shall submit revised plans showing the two ground-floor commercial units converted into residential units, for a total of four residential units permitted on-site.
3. Any relief not expressly granted hereunder is hereby denied.
4. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
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 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.
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 Variance 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, 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**

TOWN OF WAREHAM ABUTTERS						
MAP 43 LOT 1069						
OWNER TYRONE THOMAS & JENNA CARDOZA						
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
43-1082/A	COMMONWEALTH OF MASS	EXEC OFFICE OF TRANS & CONST	10 PARK PLAZA RM 3170	BOSTON	MA	02116
41-1003/A	NEW DEPOT CROSSING LIMITED	PARTNERSHIP	PO BOX 52427	ATLANTA	GA	30355
<del>41-1002</del>	<del>TOWN OF WAREHAM</del>		<del>TOWN HALL</del>	<del>WAREHAM</del>	<del>MA</del>	<del>02571</del>
43-1069	CARDOZA TYRONE THOMAS	CARDOZA JENNA	PO BOX 822	ONSET	MA	02558
43-1082/B	ANDRADE WILLIAM P	ANDRADE DAVID A	PO BOX 255	ONSET	MA	02558
41-1000	THOMPSON JOHN H	THOMPSON SHERRON C	PO BOX 65	E WAREHAM	MA	02538
43-1070/B	WAREHAM FIRE DISTRICT		2550 CRANBERRY HWY	WAREHAM	MA	02571
43-1070/A	MCCOY RONALD G		PO BOX 293	ONSET	MA	02558
43-5	DNO REALESTATE		135 MAIN ST	MEDWAY	MA	02053
43-6	DNO REALESTATE		135 MAIN ST	MEDWAY	MA	02053
CERTIFIED ABUTTERS AS THEY APPEAR						
ON OUR TAX ROLLS AS OF 4/28/2022						
<i>J. Jenna Cardoza</i>						
ASSESSORS OFFICE						
REQUESTED BY						
JENNA CARDOZA						
774 330-4277						
JENNA@CARDOZACONTRACTING.COM						



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

800

1600 ft

Printed on 04/28/2022 at 12:09 PM

MapOnline by PeopleGIS

- MA Places
- Fire Station
- Police Station
- Town Hall
- School Library
- Buildings
- Parcels
- Town Boundary
- MA Highways
- US Highways
- Numbered Routes
- Streets
- Water
- 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 Towns
- Abutting Town Labels