

March 29, 2021

Town of Wareham Zoning Board of Appeals 54 Marion Road Wareham, MA 02571

RE: Request for Use Variance and Special Permit Swenson Granite Works 3120 Cranberry Highway East Wareham, MA 02538 Lot 1004 on Assessor's Map 8 G.A.F. Job No. 21-9651

Honorable Members of the Zoning Board of Appeals,

On behalf of our client Swenson Granite Works, G.A.F. Engineering respectfully submits the following application for Variance/Special Permit for a "wholesale business" use in the MR-30 Zoning District.

The parcel of land is identified as Lot 1004 on Assessor's Map 8. This Lot is split by a zoning district boundary line with 44,590 SF in the MR-30 Zoning District and 68,600SF in the Strip Commercial Zoning District. The parcel lies in its entirety in the Groundwater Protection Overlay District.

The Building Commissioner has determined that a Use Variance will be required to be obtained for "Wholesale Business" in the MR-30 Zoning District.

Attached herewith you will find one (1) original and seven (7) copies of the following:

- Application for Variance/Special Permit
- Applicant/Contractor/Representative Information Sheet
- Letter from David Riquinha, Building Commissioner dated March 25, 2021
- Deed to the Subject Property
- Certified Abutters List
- Tax verification form
- Plan entitled "Plan to Accompany Variance Application" dated March 25, 2021
- Check to the Town of Wareham for \$750.00 (filing fee)
- Check for Wareham Week \$100.00 (legal notice)
- Check for certified mailings in the amount of \$177.93

266 MAIN 5T. WAREHAM, MA 02571

TEL 508.295.6600 FAX 508.295.6634 In addition to the use variance, we request a Special Permit Use for lot coverage within the Groundwater Protection Overlay District. Section 443.1 allows for the maximum lot covers permitted under 442.1 (15% of 114,999SF or 17,250SF) to be exceeded provided that the lot coverage does not exceed the maximum permitted in the underlying zoning district. The maximum lot coverage in the underlying Strip Commercial Zoning District is 65%. The portion of the lot in the Strip Commercial Zoning District is 68,600SF with an allowable lot coverage of 65% or 44,590SF. There is no lot coverage requirement in the underlying MR-30 Zoning District.

We request that the lot coverage be increased to 25% or 28,750SF for the entire parcel pursuant to section 442.1 of the By-Law. This relates to approximately 42% of the lot coverage for the portion of the lot in the Strip Commercial Zoning District well below the 65% allowed.

All other provisions of the zoning by law will be met.

I trust the foregoing is sufficient for your immediate needs. Should you have any questions or require any additional information please feel free to contact me immediately.

Sincerely,

G.A.F. Engineering, Inc.

William F. Madden, P.E.

WFM/lmf

cc: Scott Herrick, Swenson Granite Works

Mum & Madan

Town of Wareham ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- Complete this form.
- Complete information packets.

Abutters fee paid: _____

- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- Submit completed form, packets, and appropriate fees**to the Zoning Board of Appeals secretary.

**Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

**A check to cover two (2) legal advertisements for the public hearing should be made payable to the Wareham Week in the amount of \$100.00.

**The applicant will also be responsible for the cost of sending out abutter notifications by Certified Mail. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

Thereby apply for a variance/special f	crimit for a use to be made o	ine following described	prace.
STREET & NUMBER: 3120 Cranber	ry Highway LOT # 100	4 MAP: <u>8</u>	
ZONING DISTRICT: Strip CommercuSE REQUESTED: Wholesale Busin		rotection Overlay	
OWNER OF LAND & BUILDING:	The LPY Realty Trust TE	L. # <u>508-789-3889</u>	
ADDRESS OF OWNER: 44 Canterbu	ry Drive, Plymouth, MA 02	2360	
PERSON(S) WHO WILL USE THE	PERMIT: Swenson Granit	e Works	
ADDRESS: 369 N. State Street, Co.	ncord, NH 03301		
DATE: March 25, 2021	_SIGNATURE		
This application was received on t	he date stamped here:		WAREHAM TO: 2021 APR
Town Clerk:		Date:	
Tax Collector: Satly Ser	Le	Date: 4/8/2/	
Planning/Zoning Dept.:/		Date:	
Application fee paid:	Check#:	Receipt:_	
Advertising fee naid:	Check#:	Receipt:	

Check#:

Receipt:

Town of Wareham

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One:	∨ariance	Special Permit	Site Plan	Appeal
Date stamped	l in:	Date o	lecision is due:	
Applicant's N	Name: <u>Swenson Gran</u>	ite Works		
Applicant's A	Address: 369 N. State	Street, Concord, NH 03	301	
Telephone N	umber: <u>603-225-278</u>	33		
Cell Phone N	umber: <u>603-491-626</u>	66		
Address of Pi	roperty/Project: 3120	Cranberry Highway, W	areham, MA 02538	<u>. </u>
Email Addres	ss: sherrick@swensor	ngranite.com		
Landowner's	Name: LPY Realty	Trust		
Owner's Add	ress: 44 Canterbury I	Orive, Plymouth, MA 02	360	
Telephone Nu	ımber: <u>508-747-269</u>	7		
Contact Perso	on: <u>William F. Madde</u>	en, P.E. (G.A.F. Enginee	ring) Telephone Nu	mber: <u>508-295-6600</u>
Map <u>8</u> Groundwater	Lot _ Protection Overlay	1004	Zone MR-30, Str	rip Commercial,
Date Approve	ed	Date I	Denied	
Comments: _				
			<u> </u>	



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

G.A.F. Engineering C/o Brian Grady 266 Main Street Wareham, MA 02571

March 25, 2021

RE: 3120 Cranberry Highway

Map #8, Lot #1004

I have reviewed your application to create a new Use on the vacant parcel known as 3120 Cranberry Highway, in Wareham, MA. You are proposing to create a new landscape/ hardscape wholesale supply facility which is permitted by right in the CS zoning district. The parcel in question is partially in the MR-30 zoning district where Wholesale business is not permitted. A variance for the Use, and a Special Permit for the lot coverage in the groundwater protection overlay district, must both be secured from the Zoning Board of Appeals in order to proceed with your request.

Your application to create a new "Wholesale Business" in the MR-30 Zoning district is being denied under the following sections of the Wareham Zoning By-Law:

- Article 3, Section 320, Table of Principal Use Regulations: The "Wholesale Business" Use is not permitted in the MR-30 Zoning district.
- Article 14, Section 1471, Use Variances: "The Board of Appeals is specifically
 empowered to grant variances from the restrictions imposed by this By-law as to
 Use".
- Article 4, Section 443.1 Groundwater Protection Overlay District: Lot
 coverage is permitted to exceed the overlay district coverage requirements by
 Special Permit, provided it does not exceed the coverage requirement for the
 underlying zoning district.

The subject property is located in the CS and the MR-30 Zoning districts.

Respectfully,

David Riquinha

Building Commissioner

Zoning Enforcement Officer

It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. 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.

Shawmut Bank, N.A. a corporation duly established under the laws of the United States of America

and having its usual place of business at One Federal Street, Boston, MA

holder of a mortgage

from Gilda A. Klimas, Trustee of G. & D. Realty Trust, u/d/t dated April 1, 1986 and recorded with the Plymouth County Registry of Deeds in Book 6715, Page 329

to Shawmut Bank, N.A.

dated July 14, 1989

recorded with Plymouth County Registry of

Deeds

book 9246 , page 133 and amended at , by the power conferred by said mortgage and
Book 10112, Page 178, and Book 11959, Page 44
every other power, for One Hundred Four Thousand, Five Hundred dollars
(\$104,500.00)

paid, grants to Guy Marino, Trustee of The LPY Realty Trust under declaration of trust dated of even date herewith and recorded herewith

the premises conveyed by said mortgage.

OF CRANBURRY HIGHWAY

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
29 JUN 1995 12:50PM
JOHN D.RIORDAN
REGISTER
Bk 13661 Pg 288

DEE CANCELLED

06/29/95

TAX 476.52 CASH 476.52

2217A000 12:29 EXCISE TAX

529 Pearl Street Precision, MA 02401

	Witness	the execution and the corporate seal	of said corporation this 26th
day of	June	1995	
	······································		Shawmut Bank, N.A.
***************************************			By: Dana E. Warren, Jr. Its: Assistant Vice President

The Commonwealth of Massachusetts

Suffolk,

SS.

June 26,

19 95

Then personally appeared the above named Dana E. Warren, Jr., Assistant Vice President and acknowledged the foregoing instrument to be the free act and deed of Shawmut Bank, N.A.

before me,

Votary Public Tuetice of the Desce

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

BK | 366 | PG 290

Affidauit

named in the foregoing deed, make Dana E. Warren, Jr., Assistant Vice President of Shawmut Bank, N.A. interest and oath and say that the principal obligation . mentioned in the mortgage above referred towerenot paid or tendered or performed when due or prior to published on the the sale, and that I caused to be published 19 95 4th, 11th and 18th in the Wareham Courier a newspaper published or by its title page purporting to be published in Wareham, Massachusetts and having a circulation therein, a notice of which the following is a true copy (INSERT ADVERTISEMENT) See attached Appendix "A". I also complied with Chapter 244, Section 14 of the Massachusetts General Laws as amended by mailing the required notices by mail, return receipt requested. Pursuant to said notice at the time and place therein appointed, sold the mortgaged premises at public auction by Ι Guy Marino, Trustee of LPY Realty Trust Michael R. Harkins an auctioneer, to dollars above named, for consideration of One Hundred Four Thousand Five Hundred (\$104,500.00)bid by Guy Marino, which bid was subsequently assigned to Guy Marino, Trustee of LPY Realty Trust, by assignment of bid , being the highest bid made therefor at said auction. Dana E. Warren, Jr. Assistant Vice President Shawmut Bank, N.A. Signed and sworn to by the said Dana E. Warren, Jr., Assistant Vice President June 26, 19 95 , before me,

My commission expires



MORTGAGEE'S NOTICE OF SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain Mortgage given by GILDA A. KLIMAS, Trustee of G. & D. Realty Trust, under Declaration of Trust dated April 1, 1986, and recorded at he Plymouth County Registry of Deeds, Book 6715, Page 329 to shawmut bank, n.a. dated July 14, 1989, and recorded with the Plymouth County Registry of Deeds in Book 9246, Page 133, and amended at Book 10112, Page 178, and at Book 11959, Page 044, of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing, the same will be sold at Public Auction on the 31st day of May, 1995 at 10:00 a.m., on the mortgaged premises described below, being known as 3120' Cranberry Highway, Wareham, Plymouth County, all and singular the premises described in said Mortgage, to

The land with any buildings thereon situated in Wareham, Plymouth County, Commonwealth of Massachusetts, bounded and described as follows.

Beginning at a point in the northeasterly side of the Massachusetts State Highway known as Sawyer Road at the southeasterly corner of land of Mary A. C. Phillips and the southwesterly corner of the within described premises said point being situated south 8 degrees 31 minutes 50 seconds east 0.16 feet from a drill hole in an old stone bound;

Thence in line of land of Mary A. C. Phillips North 8 degrees 31 minutes 50 seconds West 0.16 feet to the drillhole in the old stone bound mentioned above and continuing in line of land of Mary A.C. Phillips North 8 degrees 31 minutes 50 seconds West 402.49 feet to a stone bound in the southerly side of Red Brook Road;

Thence in the southerly side of Red-Brook Road North 82 degrees 20 minutes 30 seconds East 85.74 feet to a point for a corner in the westerly end of the County Layout of Red Brook Road dated October 22, 1938, decree 1957;

Thence along the westerly end of said County Layout of Red Brook Road South 10 degrees 57 minutes 20 seconds East 13.09 feet to a county highway bound;

Thence along the southerly line of the aforementioned County Layout of Red Brook Road North 79 degrees 02 minutes 40 seconds East 13.86 feet to a concrete bound;

Thence continuing along the southerly line of Red Brook Road North 79 degrees 02 minutes 40 seconds East 99.20 feet to a concrete bound;

Thence still continuing along the southerly line of said Red Brook Road North 79 degrees 02 minutes 40 seconds East 25.02 feet to a point for a corner:

Thence in line of remaining land of Geordon Aristides South 8 degrees 35 minutes 00 seconds East 524.78 feet to a point for a corner:

Thence in line of remaining land of Geordon Aristides South 17 degrees 21 minutes 30 seconds West 104.70 feet to a point for a corner in the northeasterly side of the aforementioned State Highway known as Sawyer Rd.;

Thence by the northeasterly side of said Sawyer Road North 47 degrees 03 minutes 20 seconds West 27.72 feet to a concrete bound and continuing by the northeasterly side of said Sawyer Road North 47 degrees 03 minutes 20 seconds West 129.99 feet to a concrete bound and still continuing by the northeasterly side of said Sawyer Road North 47 degrees 03 minutes 20 seconds West 129.70 feet to the point of beginning.

Containing 2.64 acres, more or less, and heing shown on plan of land entitled "Plan of Land Situated in Wareham, Mass., Surveyed for Mrs. Yue L. Joe" dated September 7, 1948, and Revised September 20, 1948, prepared by Walter E. Rowley, Surveyor, recorded with the Plymouth County Registry of Deeds in Plan Book 7, Page 618.

Being the same premises conveyed to the Mortgagor by deed of Ralph Gogliormella and John R. Padula, Trustees of Golden Wagon Realty Trust dated July 14, 1989 and recorded at Book 9246, Page 130.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Said premises will be sold subject to and with the benefit of all restrictions, easements, improvements, cutstanding tax titles, mortgages, liens, rights of tenants and parties in possession, unpaid taxes, municipal liens and other public taxes, assessments or liens, having priority over the Mortgage described herein, if any

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within described property according to the terms of this Notice of Sale and/or their terms of the Memorandum of Sale executed at the time of the foreclosure, the Mortgagee reserves the right to sell the property by Foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagoe's attorneys. Chin, Wright & Branson, P.C., the amount of the required deposit as set forth herein within three (3) business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within twenty (20) days of said written notice. In the event that the successful bidder at the foreclosure sale, and the second highest bidder at the foreclosure sale both default, the SELLER reserves the right to take title to the pro-

TERMS OF SALE: Ten Thousand Dollars (\$10,000.00) will be required to be paid in cash or by certified check at the time and place of the sale as: earnest money. The balance is to be paid by bank or certified check within thirty (30) days of the date of the sale and shall be deposited with the firm of Chin, Wright & Branson, P.C., 155 Federal Street, Boston, Massachusetts, 02110, at which time the Deed shall be delivered.

Other terms, if any, to be

announced at sale.

For further information regarding the Mortgaged Premises, contact Michael R. Harkins, Harkins Real Estate, (508) 475-1121, Auctioneer.

Shawmut Bank, N.A.,
Present Holder of
said Mortgage,
By its Attorneys,
Russell L. Chin
Marian B. Van Soelen
Chin, Wright & Branson, P.C.
155 Federal Street
Boston, MA 02110
(617) 492-0284
May 4, 11, 18

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MapsOnline by PeopleGIS

PLANNING BOARD TAX VERIFICATION FORM

This verifies that <u>Swenson Granite Works</u> (name of applicant) is up-to-date on the taxes for the property(ies) he/she owns in Wareham. If the applicant is not the current owner of the property that the application addresses, the current owner <u>Guy Marino</u>, <u>Trustee of the LPY Realty Trust</u> (name of property owner) is up-to-date on taxes on all properties he/she owns in the Town of Wareham.

3120 Cranberry Highway

Map 8 Lot 1004

3/17/2021

John Foster, Tax Collector

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