

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:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o 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 a 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 Wareham Week in the amount of \$80.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.11 per certified letter to each abutter. 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:

STREET & NUMBER: 2400/2402 Cranberry Hwy. LOT: * MAP: 108

ZONING DISTRICT: Industrial

USE REQUESTED: mini self-storage

OWNER OF LAND & BUILDING: Carl & SallyAnn Nelson TEL.# _____

ADDRESS OF OWNER: 28 Westminster St., Warren, RI 02885

PERSON(S) WHO WILL UTILIZE PERMIT: North Star Management

ADDRESS: 300 Constitution Drive, Portsmouth, NH **

DATE: 5/10/21 SIGNATURE: Dennis J. Conry

This application was received on the date stamped here:

Town Clerk: _____ Date: _____

Tax Collector: Nancy King Date: 5/11/21

Planning/Zoning Dept.: DANIEL RAPAZO Date: 5-12-2021

Application fee paid: 750.00 Check #: 11316 Receipt: _____

Advertising fee paid: 100.00 Check #: 11318 Receipt: _____

Abutters fee paid: 13.75 Check #: 11317 Receipt: _____

*Lots 1002B1, 1002B2, 1002D
1003B1, 1003B2, 1003B3

** c/o Dennis J. Conry, Esq.
245 Main Street, Wareham, MA 02571
(508) 295-7540

WAREHAM TOWN CLERK
2021 MAY 17 AM 11:04

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: North Star Management

Applicant's Address: c/o Dennis J. Conry, Esq., 245 Main Street, Wareham, MA 02571

Telephone Number: 508-295-7540

Cell Phone Number: 774-392-0797

Email Address: djconry@conrylaw.comcastbiz.net

Address of Property/Project: 2400/2402 Cranberry Highway, Wareham, MA

Landowner's Name: Carl Nelson & SallyAnn Nelson

Owner's Address: 28 Westminster Street, Warren, RI

Telephone Number: _____

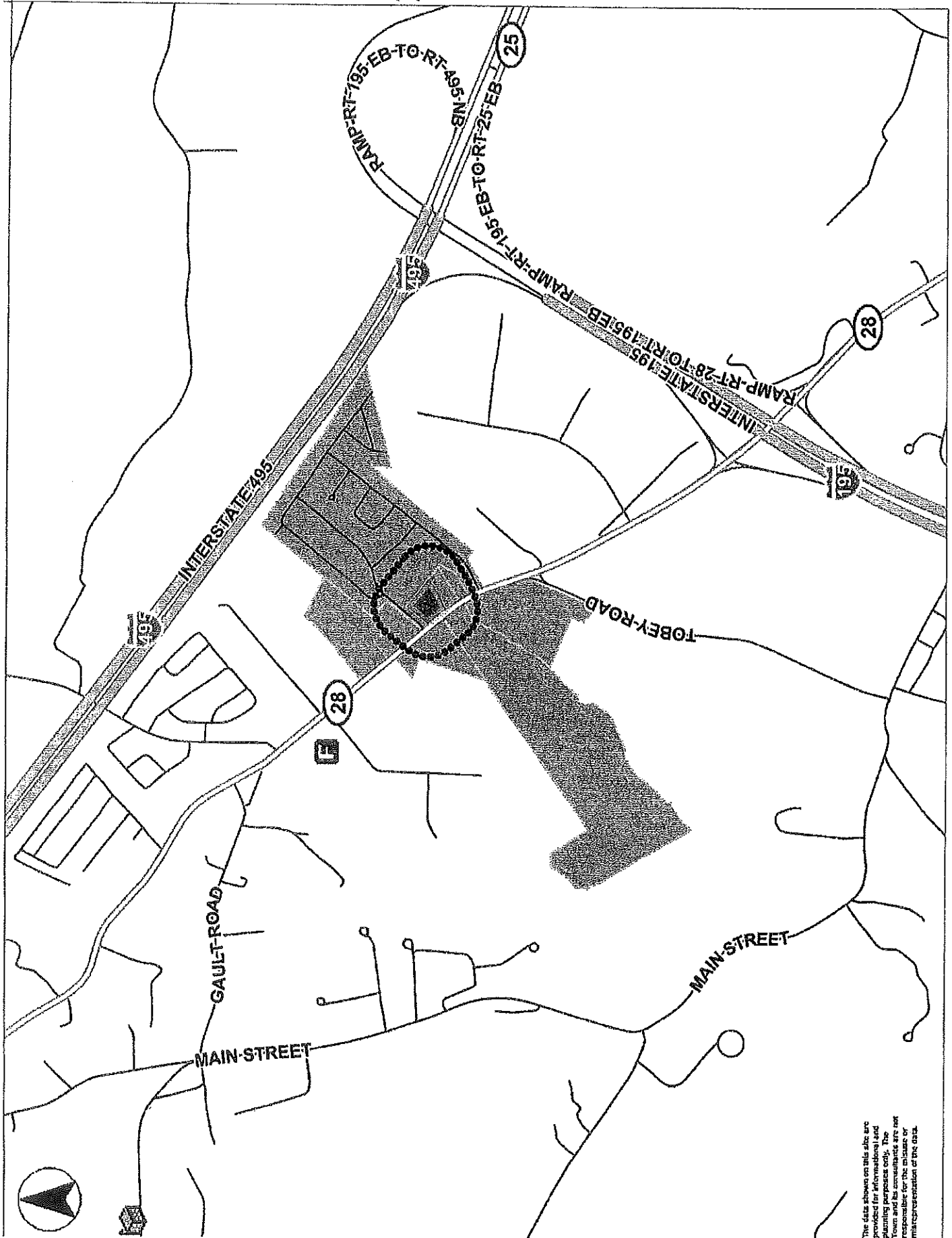
Contact Person: Dennis J. Conry, Esq. Telephone Number: 508-295-7540

Map 108 Lot _____ Zone Industrial

Date Approved _____ Date Denied _____

Comments: _____

- MA Places
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Parcels
- Fields
- Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Rout
- Streets
- Railroad
- 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 Town Labels
- Abutting Towns



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

1600

3200 ft

Printed on 05/11/2021 at 06:21 PM

QUITCLAIM DEED

We, James W. Klimas and Gilda A. Klimas, Trustees of Klimas Family Trust under a Declaration of Trust dated February 10, 1988 and at Plymouth County Registry of Deeds, Document No. 17362, of Five Widow's Cove Lane, Wareham, Plymouth County, Massachusetts

in full consideration of

Less than ONE HUNDRED (\$100.00) DOLLARS grants to Carl A. Nelson, Jr. and Sally Ann Nelson, Trustees of CNF Trust under a Declaration of Trust dated February 10, 1988 and recorded at Plymouth Registry of Deeds Document No. 17364, of 68 Spring Street, Mansfield, Bristol County, Massachusetts,

with QUITCLAIM COVENANTS the land at 2400 Cranberry Highway, Wareham, Plymouth County, Massachusetts. Meaning and intending to convey and hereby conveying to these grantees all interest we acquired in a deed from Sonia L. Strawn, Trustee of The Cranberry Highway Trust dated February 25, 1988 recorded with Plymouth Deeds, Document No. 17368 to which deed reference is made for a more particular description.

This conveyance is made subject to a mortgage in the amount of \$750,000.00 due Bay Bank which the grantees assume and agree to pay.

Witness our hands and seals this 27th day of May, 1988

James W. Klimas
James W. Klimas, Individually and as Trustee of Klimas Family Trust

Gilda A. Klimas
Gilda A. Klimas, Individually and as Trustee of Klimas Family Trust

COMMONWEALTH OF MASSACHUSETTS

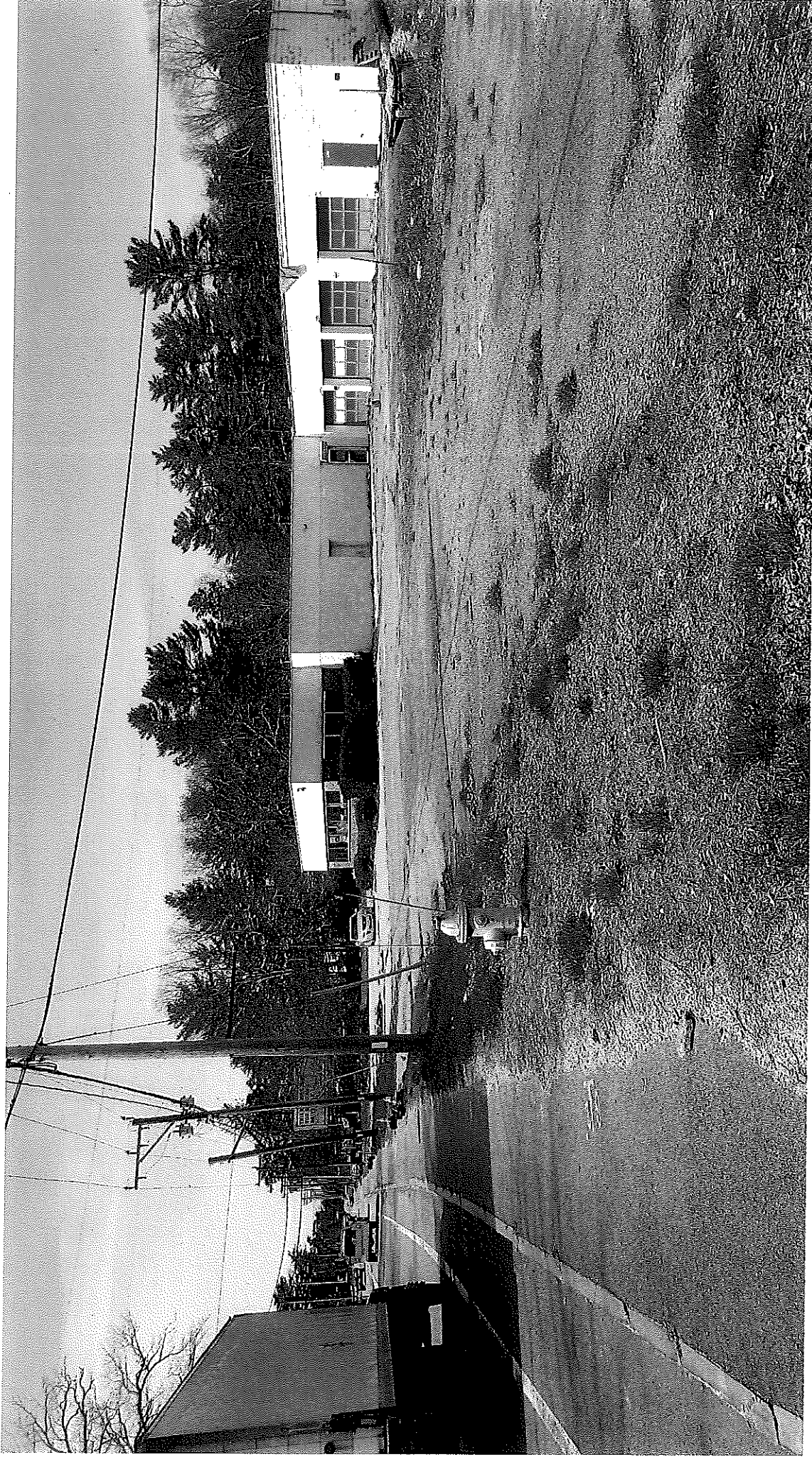
Bristol, ss.

May 27, 1988

Then personally appeared the above named James W. Klimas and Gilda A. Klimas and acknowledged the foregoing instrument to be their free act and deed, before me.

[Signature]
Notary Public
My Commission Expires: 6/30/93

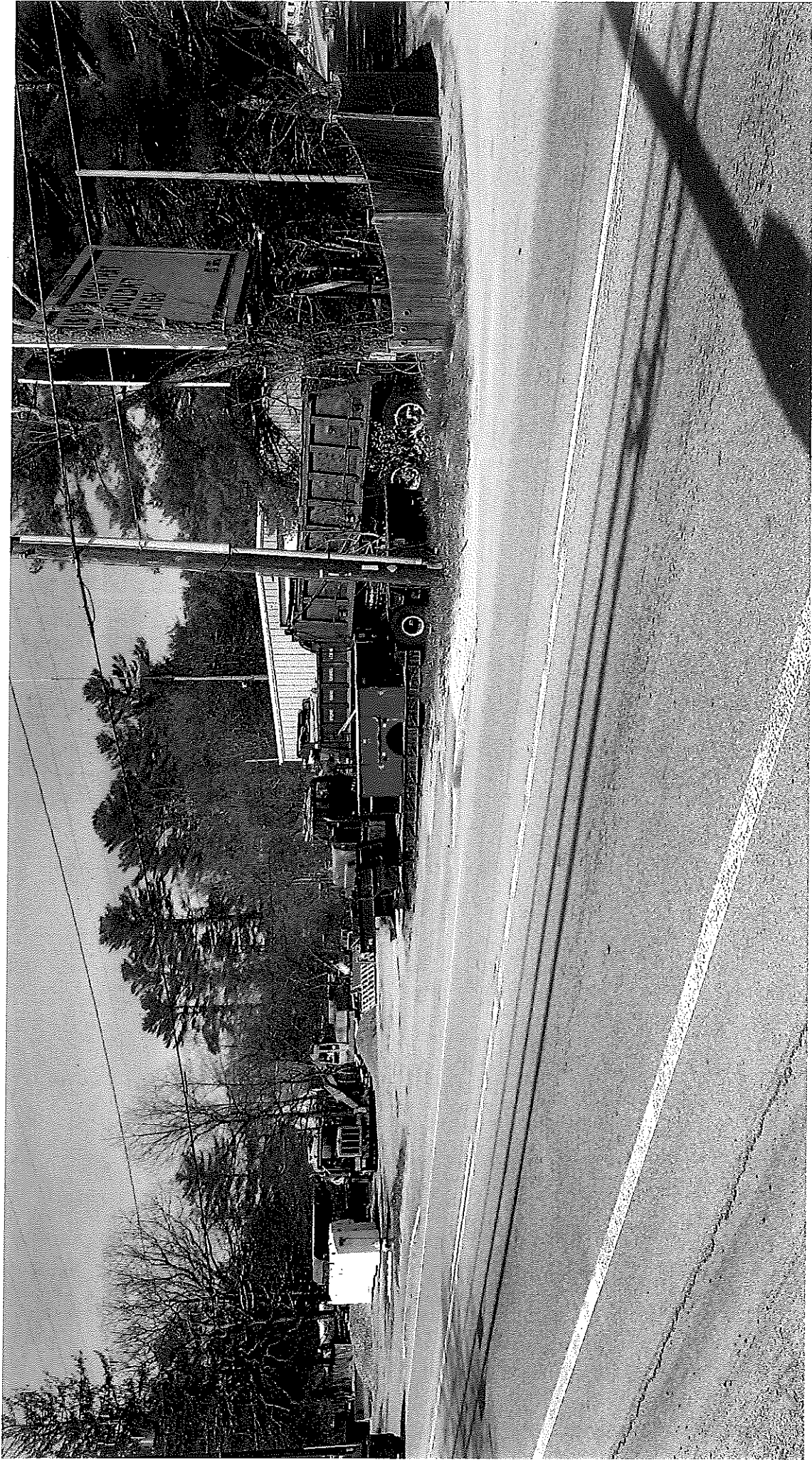

REC'D JUN 7 1988 AM 12-06 PM AND RECORDED



2400 Cranberry Highway



2400 Cranberry Highway



2392 Cranberry Highway



2403 Cranberry Highway

STATEMENT OF INTENT
North Star Management

RE: 2400 Cranberry Highway/Proposed Mini Storage Center

The Applicant, North Star Management of 300 Constitution Drive, Portsmouth, NH, has entered into a Purchase and Sale Agreement with Carl Nelson and Sally Ann Nelson for the purchase of the 3.583 acre parcel of land owned by Carl and Sally Ann Nelson for the purpose of constructing a 2-story climate-controlled mini self-storage center on property designated as 2400 Cranberry Highway. The site is currently occupied by the building built circa 1960 (see attached plans) originally constructed as an automobile sales and service facility which was subsequently converted to use as a pharmacy. The property has been vacant for many years.

The parcel is located in the Industrial Zoning District. North Star Management has applied for a building permit to construct a climate-controlled mini-storage center on the property. David Riquinha, Building Commissioner of the Town of Wareham, issued a denial of the Applicant's application for building citing as his reasons for the denial the following:

- **Article 3, Section 320, Table of Principal Use Regulations:** Storage facilities are not permitted in any district within the Town. A Use Variance from the Zoning Board of Appeals is required in order to proceed with your request.
- **Article 14, Section 1471, Use Variance,** "The Board of Appeals is specifically empowered to grant variances from the restrictions imposed by this By-law as to Use".

The Applicant has filed an application for a public hearing before the Board of Appeals requesting that either the Board issue a Use Variance to allow the proposed use to be conducted on the site or, in the alternative, determine that the proposed use is otherwise permitted or allowed under the Wareham Zoning Bylaws.

The Applicant has filed in support hereof its conceptual site plan in order to provide the Board with specific information concerning the size and scope of the project and the nature of the use that the Applicant seeks to conduct on the site. The Applicant has not yet obtained fully detailed architectural and engineering plans which will need to be provided to the Board for a final determination by the Board of the building and site plan before issuing its final approval of the project.

The Applicant proposes to construct the 2-story 60,000 sq. ft. (300' x 100') climate-controlled mini storage facility on the 3.583 acres. The proposed building will be

in compliance with all dimensional requirements contained in the Zoning Bylaw. The Applicant has also provided the Board with architectural renderings of the proposed facility and photographs showing existing conditions on the site together with a photograph of the property and business situated directly across the street from the site.

At this time, before undertaking the cost of producing final design and engineering plans, the Applicant requests that the Board either grant the use variance or deem the proposed use permissible. Should the Applicant receive the relief requested herein, it will then move forward with the remainder of the required planning process to obtain its permits.



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Director of Inspectional Services

True Storage Facility
C/o, Dennis J. Conry, Esc.
245 Main Street
Wareham, MA 02571

March 25, 2021

RE: 2400 Cranberry Highway

Map # 108, Lot # 1002-B2

I have reviewed your application to change the Use of your building at 2400 Cranberry Highway in Wareham, MA. You are proposing to create a new storage facility in the Industrial zoning district where storage facilities are not permitted by right. You must apply for and secure a Use Variance from the Zoning Board of Appeals in order to proceed with your request.

Your application to create a new storage facility in the Industrial Zoning district, is being denied under the following sections of the Wareham Zoning By-Law:

- **Article 3, Section 320, Table of Principal Use Regulations:** Storage facilities are not permitted in any district within the Town. A Use Variance from the Zoning Board of Appeals is required in order to proceed with your request.
- **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".

The subject property is located in the Industrial Zoning district.

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.

**LAW OFFICES OF
DENNIS J. CONRY**

**245 MAIN STREET
WAREHAM, MASSACHUSETTS 02571**

**TELEPHONE: (508) 295-7540
FAX: (508) 295-0990
DJConry@Conrylaw.comcastbiz.net**

May 11, 2021

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

RE: 2400/2402 Cranberry Highway
Application for Variance
Applicant: North Star Management

Dear Sir/Madam:

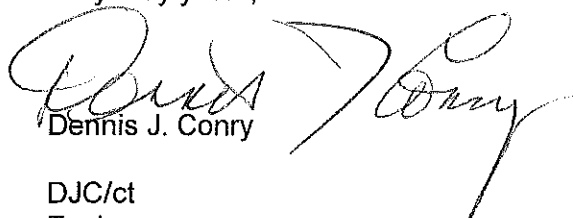
Please be informed that this office represents North Star Management of 300 Constitution Drive, Portsmouth, NH, in matters relating to the application for a public hearing before the Board of Appeals requesting that either the Board issue a use variance to allow the construction and operation of a mini-storage center to be conducted on the site or, in the alternative, that the Board of Appeals determine that the proposed use is otherwise permitted or allowed under the Wareham Zoning Bylaws.

In behalf of North Star Management, I hereby file 8 packets consisting of the following:

- A. Petition/Application
- B. Copy of Deed into Carl and Sally Ann Nelson, current owners of the parcel to be improved
- C. Conceptual Site Plan dated May 3, 2021
- D. Architectural rendering of proposed building
- E. 4 photographs of site and adjoining properties
- F. Statement of Intent indicating general conditions existing, the proposed intentions and use of the parcel
- G. Denial letter of David Riquinha, Building Commissioner
- H. Letter of Authorization of current owners of parcel to be improved

It is my intention to deliver the packets to your office, at which time I will deliver checks for the filing fee and publication and other expenses as requested by your office.

Very truly yours,


Dennis J. Conry

DJC/ct
Enclosures