

THE COMMONWEALTH OF MASSACHUSETTS

WAREHAM TOWN CLERK
2021 JUL 27 PM 5:00

Town of Wareham

BOARD OF APPEALS

Petition No. : 31-21
Book: 8499 Page: 0225
Date: 7/14/2021

Certificate of Granting of Use Variance
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Wareham hereby certifies that a Use Variance has been granted:

To: Carl Nelson & SallyAnn Nelson

Address: 28 Westminster Street

City or Town: Warren, RI

Affecting the rights of the owner with respect to land or buildings at 2400/2402 Cranberry Highway,
Wareham, MA 02571 Assessor's Map 108 Lot 1002B1, 1002B2, 1002D, 1003B1, 1003B2, and 1003B3

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Use Variance 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.

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40A of the Massachusetts General Laws.

Michele Bissonette
Town Clerk

James W. Eschler
Chairman
Clerk

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

No. 31-21

Petition of: North Star Management

Location of Property: 2400/2402 Cranberry Highway, Wareham, MA

Date of Notification of Hearing: June 3, 2021 & June 10, 2021

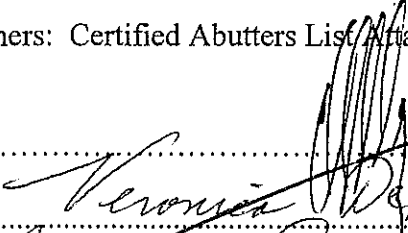
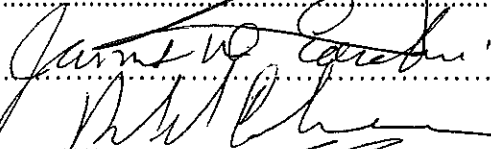
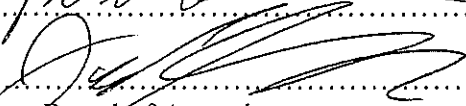
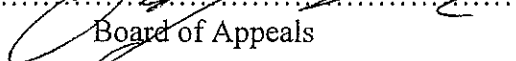
Date of Hearing: July 14, 2021

Date of Notification of Decision: July 14, 2021

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached


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Board of Appeals

(NO Denial)

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 31-21

Applicant: North Star Management

Owner: Carl Nelson & Sally Ann Nelson

Owner Address: 28 Westminster Street, Warren, RI

Subject Property Address: 2400/2402 Cranberry Highway, Wareham, MA

Subject Property Parcel ID: Map 108, Lot 1002B1, 1002B2, 1002D, 1003B1, 1003B2, and 1003B3

Date of Public Hearing: July 14, 2021

Date of Notice: July 14, 2021

Decision/Reason:

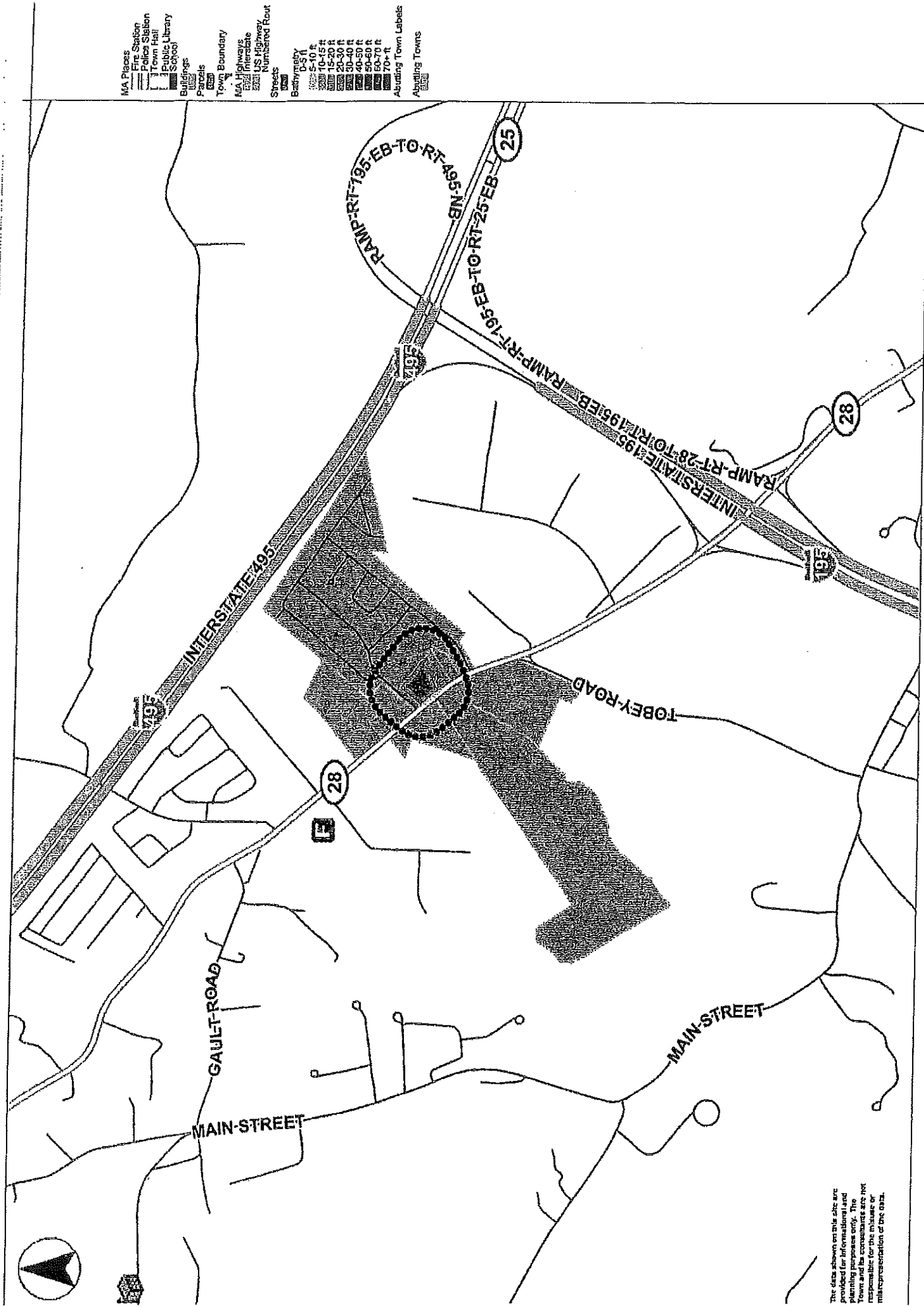
The applicant proposes to build a 2-story, 60,000 SF (300'x100'), climate-controlled mini storage facility on ~3.6 acres of land in the Industrial district. This is the first proposal for use of the property which has been vacant for many years. The district is sub-standard industrial land and this would be a definitive improvement but requires a Use Variance to proceed. The Board found that any use of the land was extremely difficult and that the proposal merited a hardship for these conditions as allowed by section 10 of MGL Chapter 40A. The Board voted 4-1-0 to make these findings and approve the project under a Use Variance with standard conditions.

The Board issued this decision with standard conditions as follows:

1. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
2. Any relief not expressly granted hereunder is hereby denied.
3. 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 appeal 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.
4. If substantial use or construction permitted by this Special Permit has not commenced within one year 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 Special Permit/ Variance does so at the risk that a court may reverse the permit & any construction performed under the permit may be ordered undone.
5. 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.
6. If the applicant wishes to modify the approved recorded 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 with the need for any further ZBA approval.

VOTE: (4-1-0) By the Wareham Zoning Board of Appeals.



ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 31-21

Petitioner Name: North Star Management

Map: 108

Lot: 1002B1, 1002B2, 1002D, 1003B1, 1003B2, & 1003B3

Address: 2400/2402 Cranberry Highway

Project: proposing to create a new storage facility in the Industrial zoning district where storage facilities are not permitted by right

Special Permit

Use Variance

Both (Circle one)

Reason for granting/denying the application:

GRANTED 4-1-0 NAZIM (Denied)

Conditions:

1. BOARD FINDS Petition meets statutory
2. Requirements of A VARIANCE
3. MRL 40 A sect. 10
4. A Use VARIANCE is GRANTED
5. APPLICANT must come before ZBA
6. OR Planning BOARD at town planned
7. Discretion for site plan Review.
- 8.
- 9.
- 10.

4/13/2022

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT
NO. 2183CV00658

CHARLES H. PILLSBURY,

Plaintiff

vs.

WAREHAM ZONING BOARD OF APPEALS,
JAMES EACOBACCI, VERONICA DEBONISE,
JACOB MORRISON, and RICHARD C. SEMPLE
as members of the Wareham Zoning Board of Appeals,

and

NORTH STAR MANAGEMENT,

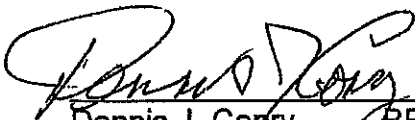
Defendants

I hereby certify that a copy of the decision of the Board of Appeals of the Town of Wareham related to the application of Charles H. Pillsbury for a variance/special permit was received and filed in this office on July 27, 2021 that notice of appeal to the Plymouth Superior Court together with a copy of the complaint was received and filed on Aug 2021 and that such appeal was dismissed on 4/13/2022

Michelle Bessonneau
Town Clerk
June 15, 2022

STIPULATION OF DISMISSAL
(Mass.R.Civ.P. Rule 41(a)(1)(ii))

Pursuant to Rule 41(a)(1)(ii), the parties herein have stipulated that this action by Charles H. Pillsbury, Plaintiff herein, be dismissed with prejudice as to Defendants, North Star Management, Wareham Zoning Board of Appeals, and James Eacobacci, Veronica Debonise, Jacob Morrison, and Richard C. Semple as members of the Wareham Zoning Board of Appeals.



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