

WAREHAM ZONING BOARD OF APPEALS

IN RE:

Applicant: North Star Management  
Petition No.: 31-21  
Property: 2400/2402 Cranberry Highway, Wareham

**Application for Extension of Time to Exercise Use of Variance**

The Applicant, North Star Management, filed its application for a Use Variance with the Board of Appeals on May 12, 2021. Following a public hearing on July 14, 2021, the Wareham Zoning Board of Appeals voted to grant the Use Variance. The written decision of the Board of Appeals was filed with the Wareham Town Clerk on July 27, 2021.

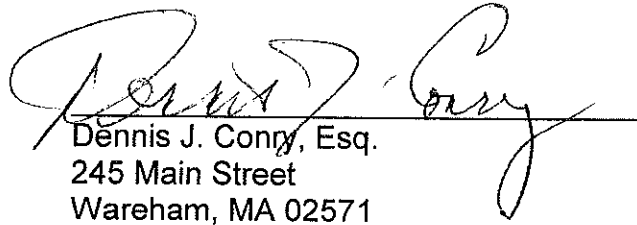
On July 27, 2021, a timely appeal of the decision granting the Variance was entered by Charles H. Pillsbury in the Plymouth Superior Court as Case No. 2183CV00658. The appeal of the decision of the Board of Appeals prevented the Applicant, North Star Management, from exercising its rights under the Variance during the period in which the parties were awaiting the determination of the appeal. On April 13, 2022, the parties dismissed the appeal. Charles H. Pillsbury and North Star Management entered into a Stipulation of Dismissal which was filed in the Plymouth Superior Court on April 13, 2022. The Applicant, North Star Management, was prevented from using the Variance at any time prior to April 13, 2022, because it was awaiting the determination of the appeal of the Variance.

Condition No. 4 stated in the Board's decision states as follows:

"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 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."

The Applicant, North Star Management, hereby requests that this Board extend the time within which the Applicant be required to exercise the rights granted by the Variance to April 13, 2023, or for such other time period as the Board of Appeals, in its discretion, deems appropriate. The extension of the time period to April 13, 2023, will in effect afford the Applicant the full 1 year time period referred to in the Board's decision (Condition 4) to exercise the Variance granted by the Board of Appeals.

North Star Management,  
By its attorney,

A handwritten signature in black ink, appearing to read "Dennis J. Conry", is written over a horizontal line.

Dennis J. Conry, Esq.  
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BBO #096440

June 15, 2022