

*Law Offices of
Robert L. Perry*

191 Main Street, Suite 215

Post Office Box 963

Wareham, Massachusetts 02574-0963

Robert L. Perry J.D.

Tel. 1-800-293-6124

508-295-6124

295-6184

Fax 508-295-21564

July 20, 2022

Nazih Elkallassi, Chairman
Wareham Zoning Board of Appeals
54 Marion Road
Wareham, MA 02571

Re: 2618 Cranberry Highway
Map 110, Lot 1051

Dear Mr. Elkallassi and Members of the Board:

My client, Joshua A. DeOlim, is the owner of the above-referenced property as a Trustee of the 2618 Cranberry Highway Realty Trust, next door, on Lot 1052 Antonio DeOlim, Joshua's father, operates an auto mechanic business since September 30, 2004.

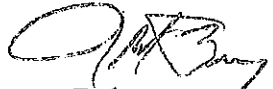
Joshua operates a motor vehicle transport (towing) business, in part in conjunction with his father's automotive repair business. He, as well performs tows for a limited variety of other customers.

The lot is situated in a CS Zoning District. Although the former owner preformed motor vehicle services to a limited extent (note the large garage constructed by the former owner) the primary use of the property has been residential. As a result, Mr. DeOlim applied for a motor vehicle service uses that require Special Permits from your board.

My client is seeking to be approved for the towing business as well as automotive sales (Class II). The only vehicles to be sold on the premises are the vehicles to which my client obtains title subject to his lien for towing and storage. This is a use consistent with other tow companies in town.

The nature of Mr. DeOlim's business is such that his hours of operation would be daytime only. At this time, he will not be doing police towing since he intends to limit the vehicles on the lot to nine (9) or fewer. My client has made this positive decision in order to reduce the impact of his business on the community.

Yours truly,



Robert L. Perry

RLP/mas

INDEX OF EXHIBITS

**Re: 2618 Cranberry Highway
Map 110, Lot 1051**

- Exhibit A Application
- Exhibit B Deed
- Exhibit C Plan
- Exhibit D 3 Photographs
- Exhibit E Letter to the Zoning Board of Appeals
- Exhibit F Letter from Building Commissioner Paul E. Turner
- Exhibit H Abutters List
- Exhibit K Applicant's Information Sheet
- Exhibit L Assessors Field Card

EXHIBIT A

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: 2618 Cranberry Hwy. LOT: 1051 MAP: 110

ZONING DISTRICT: CS

USE REQUESTED: Motor vehicle service

OWNER OF LAND & BUILDING: Joshua A. DeOlim, Trustee # _____

ADDRESS OF OWNER: 101 Acushnet Road, Mattapoisett, MA 02739

PERSON(S) WHO WILL UTILIZE PERMIT: Joshua A. DeOlim and Antonio DeOlim

ADDRESS: 2620 Cranberry Highway, Wareham, MA 02571

DATE: 07/21/2022 SIGNATURE: 

This application was received on the date stamped here:

Town Clerk: _____ Date: _____

Tax Collector: Tracy Dominick Lynch Date: 7-21-22

Planning/Zoning Dept.: _____ Date: _____

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

Advertising fee paid: _____ Check # _____ Receipt: _____

Abutters fee paid: _____ Check # _____ Receipt: _____

EXHIBIT B



2021 00033216
 Bk: 54639 Pg: 248 Page: 1 of 2
 Recorded: 03/23/2021 02:10 PM
 ATTEST: John R. Buckley, Jr. Register
 Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
 Plymouth District ROD #11 001
 Date: 03/23/2021 02:10 PM
 Otr# 144314 20525
 Fee: \$638.40 Cons: \$140,000.00

CANCELLED

QUITCLAIM DEED

Property Address: 2618 Cranberry Highway
 Wareham, MA

I, Steven Briggs, individually, of 1108 Point Road, Marion, Plymouth County, Massachusetts

in consideration of One Hundred Forty Thousand (\$140,000.00) Dollars

grant to Joshua A. DeOlim as Trustee of the 2618 Cranberry Highway Realty Trust, of 101
 Acushnet Road, Mattapoisett, Massachusetts

with quitclaim covenants

The land in Wareham, Plymouth County, MA with the buildings thereon, on the Northerly side
 of the State Highway leading from East Wareham to Wareham Center, bounded and described as
 follows:

Beginning at the Southeasterly corner of the lot to be described at a bound in the Northerly line
 of the Massachusetts State Highway known as Elm Street, it also being the Southwesterly corner
 of land now or formerly of Maynard J. Hanscom;

North 83° 20' West in the Northerly line of said Elm Street, one hundred twenty and 65/100
 (120.65) feet, more or less, to land now or formerly of Mary Adams; thence,

turn to:

LAW OFFICES OF
 ROBERT L. PERRY
 1 MAIN ST., SUITE 215
 P.O. BOX 963
 REHAM, MA 02571-0963

1-800-293-6124
 508-295-6124
 508-295-6184
 FAX 508-295-2154

Northeasterly in line of land now or formerly of said Mary Adams, three hundred fifty-five and no/100 (355.0) feet, more or less, to a stake for a corner; thence,

South 73° 04' East, sixty and 5/10 (60.5) feet to a concrete bound for a corner; thence

South 15° 06' West, three hundred thirty-four and no/100 (334.0) feet, more or less, to the bound first mentioned and point of beginning.

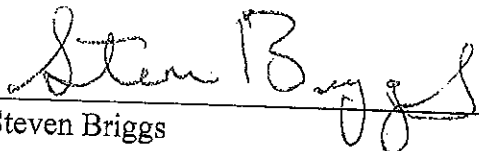
Containing 30,960 square feet, more or less.

Together with all rights, privileges and easements connected therewith and subject to restrictions and easements of record and are hereby conveyed subject to any building and zoning law requirements which may be in force and application.

For my title see deed of the Dime Savings Bank of New York, FSD to me dated September 2, 1992 recorded in Plymouth County Registry of Deeds in Book 11245, Page 2.

I waive and relinquish all rights of Homestead, if any, in the conveyed property and I know of no one else who would have right of Homestead in this property.

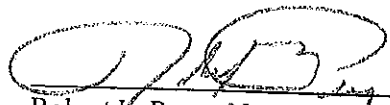
Witness my hand and seal this 23rd day of March 2021.


Steven Briggs

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss

On this 23rd day of March 2021, before me, the undersigned Notary Public, personally appeared Steven Briggs, proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License, to be the person whose name is signed on the proceeding document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Robert L. Perry, Notary Public
My Commission Expires 05/16/2025

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31 MAIN ST., SUITE 215
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PLYMOUTH, MA 02571-0963

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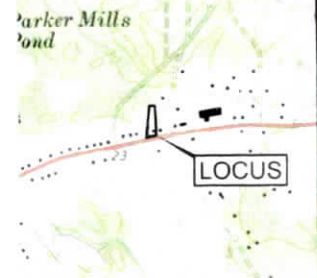
508-295-6184

FAX 508-295-2154

EXHIBIT C

ZONING DISTRICT: COMMERCIAL GENERAL (CG)
 LOT AREA = 30,000± S.F.

| | REQUIRED | EXISTING CONDITIONS |
|---------------------------|----------|---------------------|
| FRONT SETBACK | 20' MIN | 31.4 |
| REAR SETBACK | 10' MIN | >10' |
| SIDE SETBACK | 10' MIN | 14.3 |
| BUILDING HEIGHT | 40' MAX | <40' |
| BUILDING COVERAGE | 40% MAX | 5.2% |
| IMPERVIOUS SURFACE | 65% MAX | 59.9% |
| DISTANCE FROM RESIDENTIAL | 40' MIN | 29.7 |



U.S.G.S. LOCUS MAP
 SCALE 1"=1000'

OWNER OF RECORD
 JOSHUA DEOLIM, TRUSTEE
 2618 CRANBERRY HIGHWAY REALTY TRUST
 101 ACUSHNET ROAD
 MATTAPOISETT, MA 02739

FEMA FLOOD ZONE (ENTIRE LOT)
 X

FEMA MAP NUMBER
 25023C0489K

ASSESSOR'S MAP & LOT
 MAP 110 LOT 1051

DEED REFERENCE
 BOOK 54839, PAGE 248

PLAN REFERENCES
 PLAN BOOK 8, PAGE 276
 PLAN BOOK 33, PAGE 658
 1924 STATE HIGHWAY LAYOUT #2179



SITE PLAN
 AT
 2618 CRANBERRY HIGHWAY
 WAREHAM, MA 02571

PREPARED FOR:
 JOSHUA DEOLIM

PREPARED BY:
 JC ENGINEERING, INC.
 2854 CRANBERRY HIGHWAY
 EAST WAREHAM, MA 02538

SCALE 1" = 20' JUNE 24, 2021

GRAPHIC SCALE



EXHIBIT D







EXHIBIT E

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July 20, 2022

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Wareham Zoning Board of Appeals
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Re: 2618 Cranberry Highway
Map 110, Lot 1051

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Yours truly,



Robert L. Perry

RLP/mas

EXHIBIT F



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul E. Turner
Director of Inspectional Services

Mr. Joshua A. Deolim Trustee
2618 Cranberry Hwy Realty Trust
101 Acushnet Road
Mattapoisett, Massachusetts, 02739

July 7, 2022

RE: 2618 Cranberry Hwy

Map 110, Lot 1051

I have reviewed your application to conduct a Motor Vehicle Service use at 2618 Cranberry Highway, Wareham, Massachusetts. The Use is not permitted by right in the Strip Commercial zoning district and must be denied at this time.

Your application to create a new Motor Vehicle Service Use in the CS Zoning district is being denied under the following section of the Wareham Zoning By-Laws;

- **Article 3, Section 320, Table of Principal Use Regulations, The Motor Vehicle Service Use requires a Special Permit from the Zoning Board of Appeals.**

The subject dwelling is located in the CS Zoning District.

Respectfully,

Paul E. Turner
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.

EXHIBIT H

TOWN OF WAREHAM ABUTTERS

MAP 110 LOT 1051 300'
OWNER JOSHUA A DEOLIM TRUSTEE

| MAP & LOT | OWNER | CO-OWNER | STREET ADDRESS | TOWN | STATE | ZIP CODE |
|------------|-------------------------|-----------------------------|--------------------|--------------|-------|----------|
| 110-1046 | ANDREWS STANLEY | ANDREWS SARA H | 2610 CRANBERRY HWY | WAREHAM | MA | 02571 |
| 110-1047 | ILJEFF JESSICA L | | 2612 CRANBERRY HWY | WAREHAM | MA | 02571 |
| 110-1050/B | BARRASSO DEREK A | BARRASSO KELLY A | 18 CENTRAL AVE | WAREHAM | MA | 02571 |
| 110-1048 | CONTI CHRISTOPHER J | FERREIRA NEAL | 2614 CRANBERRY HWY | WAREHAM | MA | 02571 |
| 132-1020 | BARBOZA JOSEPH E | BARBOZA LORRAINE M | 634 COUNTY RD | WAREHAM | MA | 02576 |
| 110-1049 | CONTI CHRISTOPHER | FERREIRA NEAL | 2614 CRANBERRY HWY | WAREHAM | MA | 02571 |
| 110-1050/A | BARRASSO DEREK A | BARRASSO KELLY A | 18 CENTRAL AVE | WAREHAM | MA | 02571 |
| 110-1051 | DEOLIM JOSHUA A TRUSTEE | 2618 GRAN HWY REALTY TRUST | 101 ACUSHNET RD | MAITAPOISETT | MA | 02739 |
| 110-1052 | DEOLIM ANTONIO | | 2620 CRANBERRY HWY | WAREHAM | MA | 02571 |
| 110-Y1 | GLENN ADAM D | | 19 CHARGE POND RD | WAREHAM | MA | 02571 |
| 110-1075/A | ROUNDS WALDO C JR | CO CAROL R GIFUNE EXECUTRIX | 6 CABRAL WAY | WAREHAM | MA | 02571 |
| 110-1075 | GIFUNE GREG | GIFUNE CAROL R | 6 CABRAL WAY | WAREHAM | MA | 02571 |
| 110-1053 | LACHANCE CAROL A | | 4 CABRAL WAY | WAREHAM | MA | 02571 |
| 132-1021 | BARBOZA JOSEPH E | BARBOZA LORRAINE M | 634 COUNTY RD | WAREHAM | MA | 02571 |
| 132-1022 | WIEGANDT PROPERTIES LLC | | 2621 CRANBERRY HWY | WAREHAM | MA | 02576 |
| 110-1055 | MCCARTHY JAMES H | | 2622 CRANBERRY HWY | WAREHAM | MA | 02571 |
| 110-1054 | REAGAN CYNTHIA ANN | | 3 CABRAL WAY | WAREHAM | MA | 02571 |

CERTIFIED ABUTTERS AS THEY APPEAR

ON OUR TAX ROLLS AS OF 7/19/2022

W. Rene Abino

ASSESSORS OFFICE

REQUESTED BY

ROBERT L PERRY, ESQUIRE

508 295-6124

RLPERRY0803@GMAIL.COM

EXHIBIT K

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: Joshua A. DeOlim, Trustee of 2618 Cranberry Highway Realty T

Applicant's Address: 101 Acushnet Road, Mattapoisett, MA 02739

Telephone Number: _____

Cell Phone Number: _____

Email Address: _____

Address of Property/Project: 2618 Cranberry Highway, Wareham,

Landowner's Name: Joshua A. DeOlim, Trustee of 2618 Cranberry Highway Realty T

Owner's Address: 101 Acushnet Road, Mattapoisett, MA 02739

Telephone Number: _____

Contact Person: Robert L. Perry Telephone Number: 508-295-6124

Map 110 Lot 1051 Zone CS

Date Approved _____ Date Denied _____

Comments: _____

EXHIBIT L

2618 CRAN HWY

Location 2618 CRAN HWY

Mblu 110 / / 1051 / /

Acct#

Owner DEOLIM JOSHUA A TRUSTEE

Assessment \$234,900

Appraisal \$234,900

PID 11240

Building Count 1

Current Value

| Appraisal | | | |
|----------------|--------------|----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2022 | \$147,500 | \$87,400 | \$234,900 |

| Assessment | | | |
|----------------|--------------|----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2022 | \$147,500 | \$87,400 | \$234,900 |

Owner of Record

Owner DEOLIM JOSHUA A TRUSTEE
Co-Owner 2618 CRAN HWY REALTY TRUST
Address 101 ACUSHNET RD
 MATTAPOISETT, MA 02739

Sale Price \$140,000
Certificate
Book & Page 54639/248
Sale Date 03/23/2021
Instrument 1U

Ownership History

| Ownership History | | | | | |
|-------------------------|------------|-------------|-------------|------------|------------|
| Owner | Sale Price | Certificate | Book & Page | Instrument | Sale Date |
| DEOLIM JOSHUA A TRUSTEE | \$140,000 | | 54639/248 | 1U | 03/23/2021 |
| BRIGGS STEVEN | \$1 | | 41941/0056 | 1E | 09/13/2012 |
| TOWN OF WAREHAM | \$0 | | 41064/0251 | 1E | 03/06/2012 |
| BRIGGS STEVEN | \$53,000 | | 11245/0002 | | 09/08/1992 |

Building Information

Building 1 : Section 1

Year Built: 1920
Living Area: 1,170
Replacement Cost: \$195,279

Building Percent Good: 70
Replacement Cost
Less Depreciation: \$136,700

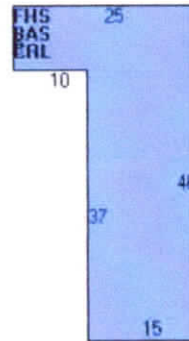
Building Photo



(<https://images.vgsi.com/photos2/WarehamMAPhotos/A00\05\19\18.jpg>)

| Building Attributes | |
|---------------------|---------------|
| Field | Description |
| Style: | Conventional |
| Model | Residential |
| Grade: | Below Ave |
| Stories: | 1 1/2 Stories |
| Occupancy | 1 |
| Exterior Wall 1 | Vinyl Siding |
| Exterior Wall 2 | |
| Roof Structure: | Gable/Hip |
| Roof Cover | Asphalt Shing |
| Interior Wall 1 | Drywall |
| Interior Wall 2 | |
| Interior Flr 1 | Carpet |
| Interior Flr 2 | Linoleum |
| Heat Fuel | Gas |
| Heat Type: | Hot Water |
| AC Type: | None |
| Total Bedrooms: | 3 Bedrooms |
| Total Bthrms: | 1 |
| Total Half Baths: | 0 |
| Total Xtra Fixtrs: | |
| Total Rooms: | 6 Rooms |
| Bath Style: | Average |
| Kitchen Style: | Average |
| # of Fireplaces | |
| Fireplace Type | |
| Finish Bsmt SF | |
| Fin Bsmt Qual | |
| Num Park | |
| Fireplaces | |
| Fndtn Cndtn | |
| Basement | |

Building Layout



(https://images.vgsi.com/photos2/WarehamMAPhotos/Sketches/11240_11)

| Building Sub-Areas (sq ft) | | | Legend |
|----------------------------|----------------|------------|-------------|
| Code | Description | Gross Area | Living Area |
| BAS | First Floor | 780 | 780 |
| FHS | Fin Half Story | 780 | 390 |
| CRL | Crawl Space | 780 | 0 |
| | | 2,340 | 1,170 |

Extra Features

| Extra Features | Legend |
|----------------------------|--------|
| No Data for Extra Features | |

Land

Land Use

Use Code 1010
 Description SINGLE FAMILY
 Zone SC
 Neighborhood 0050
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 0,71
 Frontage 0
 Depth 0
 Assessed Value \$87,400
 Appraised Value \$87,400

Outbuildings

| Outbuildings | | | | | | Legend |
|--------------|-------------|----------|-----------------|-------------|----------|--------|
| Code | Description | Sub Code | Sub Description | Size | Value | Bldg # |
| FGR2 | GARAGE GOOD | | | 800.00 S.F. | \$10,800 | 1 |

Valuation History

| Appraisal | | | |
|----------------|--------------|----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2022 | \$147,500 | \$87,400 | \$234,900 |
| 2021 | \$128,100 | \$87,400 | \$215,500 |
| 2020 | \$123,000 | \$87,400 | \$210,400 |

| Assessment | | | |
|----------------|--------------|----------|-----------|
| Valuation Year | Improvements | Land | Total |
| 2022 | \$147,500 | \$87,400 | \$234,900 |
| 2021 | \$128,100 | \$87,400 | \$215,500 |
| 2020 | \$123,000 | \$87,400 | \$210,400 |