THE LAW OFFICES OF BELLO & MORTON, LLC

184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

September 1, 2023

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

Re: Variance Application for Wareham Cranberry Highway, LLC, Property Located at 3020 Cranberry Highway, East Wareham, MA 02538;
Assessor's Map 130, Lot 1014

Dear Members of the Board of Appeals:

Please find enclosed the following information and exhibits:

1. Petitioner and Record Owner:

Wareham Cranberry Highway, LLC 632 Washington Street South Easton, MA 02375

2. Current Deed:

Plymouth County Registry of Deeds Book 57515, Page 104, Deed attached as Exhibit A.

3. Building Inspector's Denial Letter:

Denial Letter attached here as <u>Exhibit B</u> from the Building Commissioner indicating a Variance from the Zoning Board of Appeal is necessary.

4. Certified Abutters List:

Copy Attached as Exhibit C.

5. Floor Plan:

Copy Attached as Exhibit D.

6. Proposed Site Plan:

Copy Attached as Exhibit E.

7. Media Kit Advertisement in Support of Petition:

Copies Attached as Exhibit F.

8. Letter of Intent:

Dear Mr. Chairman:

I represent Wareham Cranberry Highway LLC the applicant to this Petition. My clients are proposing to have a drive thru window on the site which used to house D'Angelo's. The property has been vacant since D'Angelo's moved in with Pizza Hut. Drive thrus are not permitted in any Zoning District by right and in General Commercial (CG) they may be allowed by Special Permit approval from the ZBA. Here because our property located at 3020 Cranberry Highway is located in Strip Commercial (CS) we need to apply for a Use Variance.

The Board of Appeals is specifically empowered to grant Variances from the restrictions imposed by this By-Law as to use in Section 1471 Use Variances.

We ask the Board here to vary the permitted use as it is keeping with the nature of Cranberry Highway. There are many examples of drive thru restaurants in this area, McDonald's, Dunkin Donuts, Taco Bell/ KFC, the prior Wendy's, and Burger King etc. This highway is highly travelled, and the proposed Otto Pizza restaurant will be an excellent addition to the development in the area.

Attached to the Petition is a package which shows all of the restaurant locations Otto's has as well as their offerings. The drive thru window will allow for patrons to order a few slices on the go. The restaurant has a reputation for fresh ingredients and authentic pizzeria staples and is known

by many out of towners in Boston and surrounding areas. Thus we believe this concept will be highly successful at this location where travelers leaving the Cape will want to visit as well as our own Wareham residents.

We ask the Board to grant the Use Variance here as it will not be substantially detrimental to the neighborhood and the restaurant with the convenience of drive thru will benefit Wareham residents and visitors alike.

Respectfully-submitted,

JILIAN A. MORTON, ESQ.

508-295-2522

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)
- 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 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 \$100.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 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:

2000 0

STREET & NUMBER: 3020	Cranberry Hi	<u>lghway</u> LO	T: <u>1014</u> MAP: _	130
ZONING DISTRICT: CS				
USE REQUESTED: Drive	through windo	w		
OWNER OF LAND & BUILD	NG: <u>Wareham</u>	Cranberry	TEL.#	
OWNER OF LAND & BUILD! ADDRESS OF OWNER: 632	Highway. Washington S	t., South	Easton, MA 02	375
PERSON(S) WHO WILL UTI				
ADDRESS: 632 Washing	ton Street, S	South East	op, MA 02375	
DATE: <u>9-1-2023</u>	SIGNATURE: 🛓		Chr	
This application was received on the	date stamped here:			Fac. Co.
		•		
Town Clerk:	***	Date: _		
Tax Collector:		Date:		
Planning/Zoning Dept.:	<u> </u>	Date:		
Application fee paid:	Check #:		_Receipt:	
Advertising fee paid:	Check #		_Receipt:	
Abutters fee paid:	Check #		Receipt:	

*** 4

1011

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENATIVE INFORMATION SHEET

Check One: X Variance Special Permit Site Plan Appeal
Date stamped in: Date decision is due
Applicant's Name: Wareham Cranberry Highway, LLC
Applicant's Address: c/o Jilian Morton, Esq., 184 Main St., Wareham, MA 0257
Telephone Number:
Cell Phone Number:
Email Address: jam@mortonlaw11c.com
Address of Property/Project: 3020 Cranberry Highway, East Wareham, MA
Landowner's Name: Wareham Cranberry Highway, LLC
Owner's Address: 632 Washington Street, South Easton, MA 02375
Telephone Number:
Contact Person: Jilian Morton, Esq. Telephone Number: 508-295-2522
Map 130 Lot 1040 Zone CS
Date Approved Date Denied
Comments:

EXHIBITA

*** Electronic Recording ***

Doc#: 00099564

Bk: 57515 Pg: 104 Page: 1 of 2 Recorded: 12/15/2022 02:48 PM ATTEST: John R. Buckley, Jr. Register Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX Plymouth District ROD #11 001 Date: 12/15/2022 02:48 PM

Ctrl# 162279 12009

Fee: \$2,736.00 Cons: \$600,000.00

QUITCLAIM DEED

Howland Family Limited Partnership, a Massachusetts limited partnership having its usual place of business at 85 Astor Avenue, Norwood, MA 02062,

in full consideration of Six Hundred Thousand (\$ 600,000.00) Dollar paid

grants to Wareham Cranberry Highway LCC, a limited liability company having its usual place of business at 632 Washington Street, South Easton, MA 02375

with quitclaim covenants

The land with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts, being bounded and described as follows:

Beginning at a cement bound located on the northerly side of Cranberry Highway, so called;

Thence: N 53 degrees, 26' 00" West, one hundred fifty and 00/100

(150.00) feet; to a point by said highway;

Thence: N 36 degrees, 34' 00" Hast by land of Louis A. Vose, two hundred

twenty five (225) feet to a point;

Thence: S 53 degrees, 26' 00" East by said land of Vose, one hundred fifty

(150.00) feet to a point and land now or formerly of William J. &

Mary E. Cronin;

Thence: S 36 degrees, 34' 00" West by land of said Cronins, two hundred

twenty five (225) feet to a cement bound and point of beginning.

Property Address: 3020 Cranberry Highway, Wareham, MA

Being shown as Lot 1014 on a plan entitled, "Division of Land, prepared by Louis A. Vose, Cranberry Highway, East Wareham, Mass., Scale 1" = 30', dated February 24, 1977, Charles L. Rowley & Associates, Civil Engineers & Surveyors, West Wareham, Mass." And said lot containing 33,750 square feet of land. Said plan being recorded as Plan No 413 of 1977.

The Grantor certifies that the premises being conveyed herein does not represent all or substantially all of its assets in Massachusetts.

Being the same premises conveyed to the within Grantor by deed of Gary P. Lucier dated September 6, 2001 recorded with Plymouth Registry of Deeds in Book 20515, Page 211.

Address of premises: 3020 Cranberry Highway, Wareham, MA

Signed and sealed this / day of December , 2022.

Howland Family Limited Partnership

By: Jayson Howland, General Partner

By: Drew Howland, General Partner

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS

On this A day of Description, 2022, before me, the undersigned notary public, personally appeared Jayson Howland and Drew Howland, proved to me through satisfactory evidence of identification, which was to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose under the pains and penalties of perjury as the General Partners of Howland Family Limited Partnership.

Wayne R. Mathews
Notary Public
Commonwealth Of Massachusetts
My commission Expires: 10 /4/ 2024

Wayne R. Mathews, Notary Public My Commission Expires: 10/4/2024

EXHIBIT B



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul Turner Director of Inspectional Services

August 23, 2023

Attorney Jilian A. Morton 184 Main Street Wareham, Massachusetts 02571

RE: 3020 Cranberry Highway / Map 130, Lot 1014

Attorney Morton,

I have reviewed your Building Permit application B-23-498, submitted August 16, 2023 proposing the "addition of a drive thru lane for a restaurant" located at 3020 Cranberry Highway, Wareham, Massachusetts. At this time I must deny your request.

Your application is being denied under the following section of the Wareham Zoning By-Laws:

Article 3: Use Regulations;

320 Table of Principle Use Regulations:

Principle Use, Commercial Uses, Restaurant Drive Though

A restaurant drive though is not allowed in the Commercial Strip zoning district.

Therefore, a Variance must be secured from the Zoning Board of Appeals in order to proceed with your application.

The subject dwelling is located in CS zoning district.

Respectfully,

Paul E Vurner

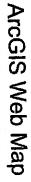
Building Commissioner Zoning Enforcement Officer

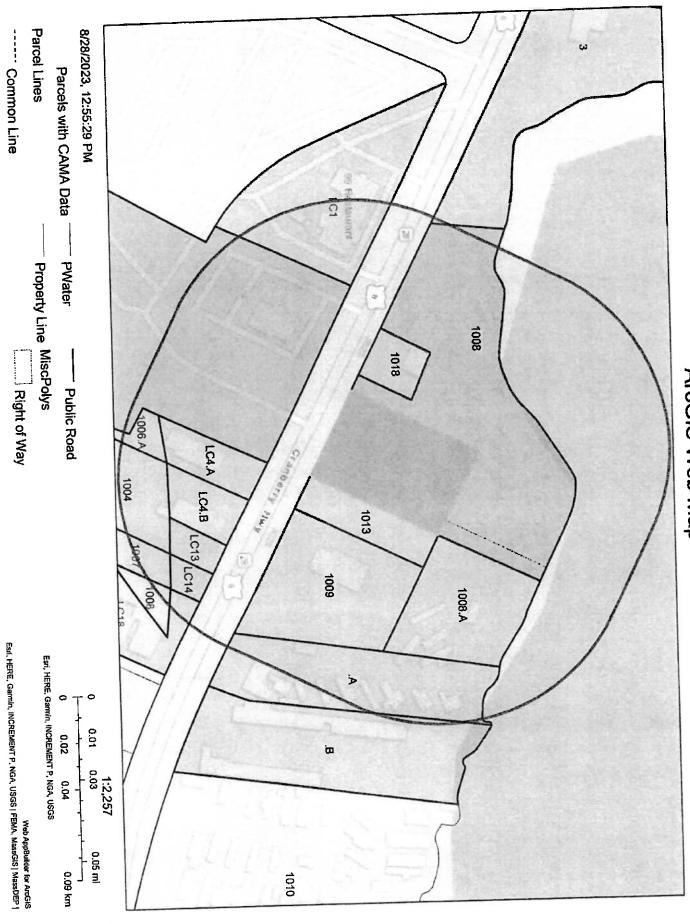
It is the owners' responsibility to check with other departments to ensure full compliance.

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 C

MAP 130 LOT 1014 OWNER WAREHAM	MAP 130 LOT 1014 OWNER WAREHAM CRANBERRY HWY LLC			
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
12-0-1007	FINE JOHN CTRUSTEE,	PO BOX 575,	E WAREHAM, MA	02538
12-0-A1	TRT WAREHAM LLC, C/O MARVIN F POER & COMPANY	3520 PIEDMONT RD NE SUITE 410,	ATLANTA, GA	30305
12-0-LC1	3013 CRANBERRRY HWY MA LLC	11 PETER COOPER DR,	WAREHAM, MA	02571
12-0-LC18	FINE JOHN C TRUSTEE, SILVER BIRCH REALTY TRUST II	PO 80X 575,	E WAREHAM, MA	02538
12-0-LC4.A	PAREKH PRANAV TRUSTEE, THE HELI REALTY TRUST	31 DUNDEE WAY,	PLYMOUTH, MA	02360
12-0-LC4.B	3031 CRANBERRY HIGHWAY LLC ISAOA	1105 FALL RIVER AVE	SEEKONK, MA	02771
130-0A	SILVER LAKE MOBILE HOME COURT LLC, CO DONALD YEOMANS	113 SUMMER ST,	N EASTON, MA	02356
130-0B	CHANCHAL CORP,	3026 CRANBERRY HWY,	E WAREHAM, MA	02538
130-0-1008	CARADIMOS THOMAS, CARADIMOS MICHAEL C	C/O MICHAEL CARADIMOS, PO BOX 192	ONSET, MA	02558
130-0-1009	MCDONALDS CORP 20-66,	PO BOX 182571,	COLUMBUS, OH	43218-2571
130-0-1014	WAREHAM CRANBERRY HWY LLC	632 WASHINGTON ST	S EASTON, MA	02375
130-0-3	ANGUS DONALD H TRUSTEES OF, SWIFT POND REALTY TRUST	PO BOX 270,	BUZZARDS BAY, MA	02532
CERTIFIED AB	CERTIFIED ABUTTERS AS THEY APPEAR ON OUR TAX ROLLS AS OF 8/28/2023			
ASSESSORS OFFICE	onee akins			
REQUESTED BY	Y		* * * * * * * * * * * * * * * * * * *	
508 295-2522		T and the second	- Eldy street report depote the street report of th	5





----- Common Line

EXHIBIT D

EXHIBIT E

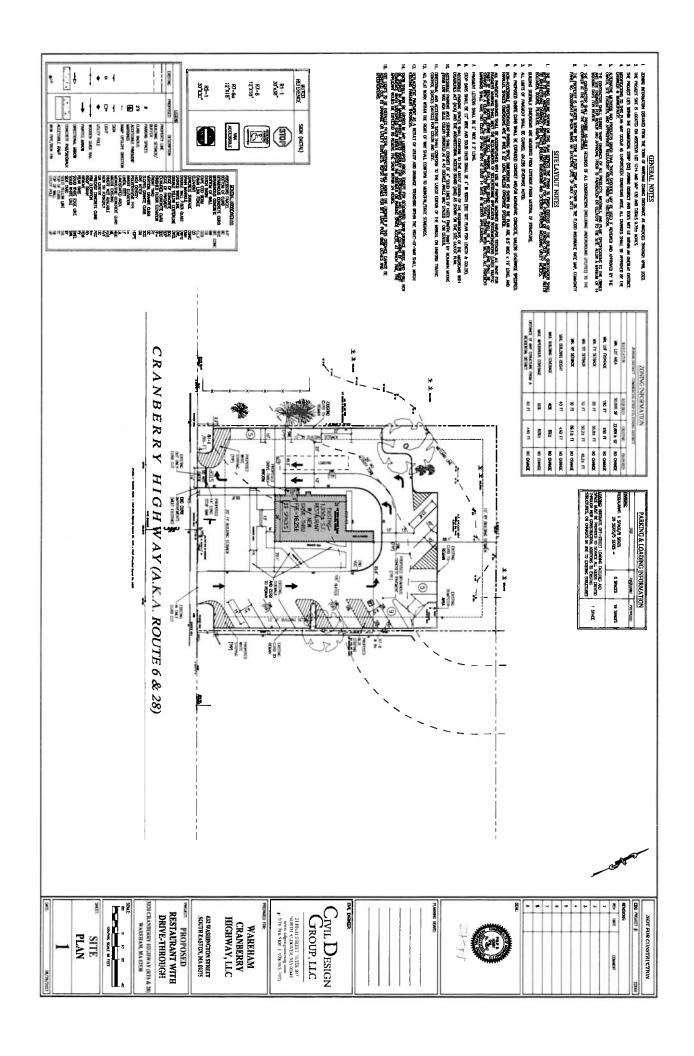
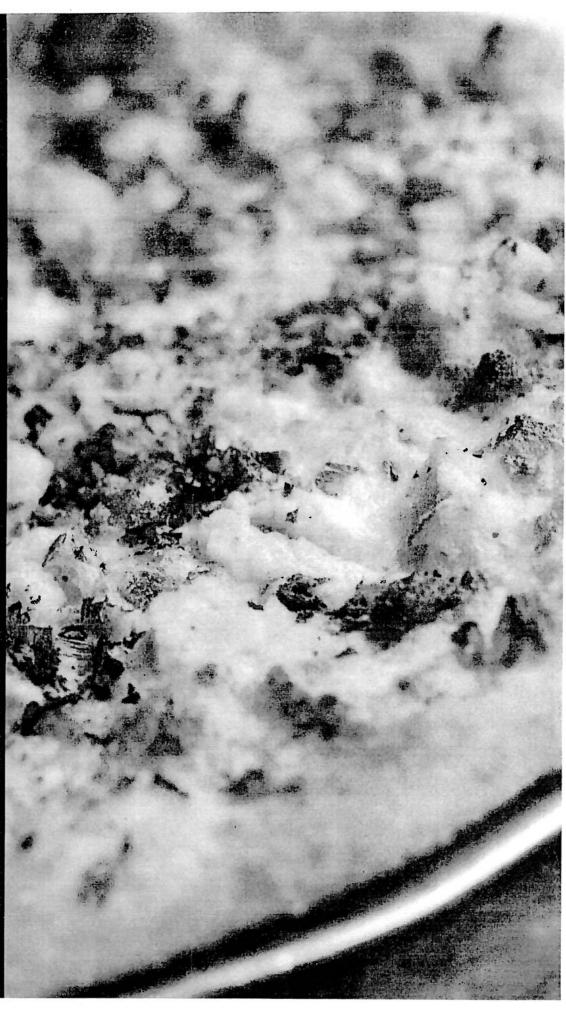


EXHIBIT F



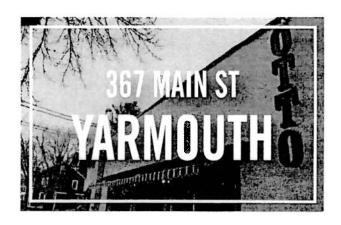
M E D K



MAINE









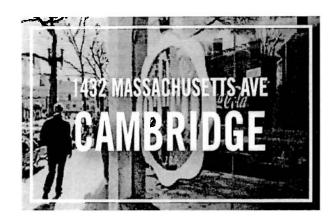






MASSACHUSETTS













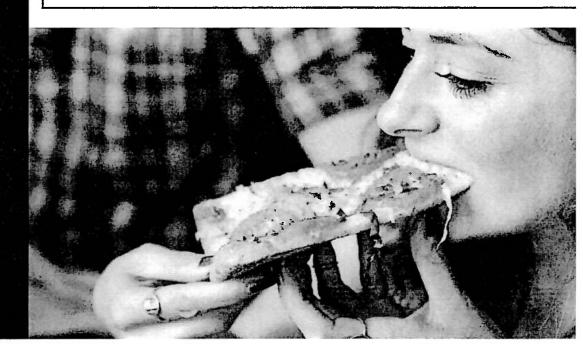




Pizza is simple food. But it doesn't have to be ordinary.

Since 2009, when we opened our first slice shop on Congress Street in downtown Portland, we've been striving to elevate the pizza experience. It starts with the ingredients — high quality, local when possible — and the toppings — creative and comforting. Mashed potatoes? Tortellini? Cranberries on a pizza? These are just a few of the things we tried — and they worked. "The Masher" with mashed potato, scallion, and bacon is one of our most popular pies. And people thought it was weird when we first put it on the menu.

Making simple food isn't easy. We are continuously working to make sure every pizza is perfect and every slice unforgettable. Whether it be from one of our slice counters, or in one of our full service dining rooms, every member of our team is motivated by this goal of consistently well-executed, uncomplicated food.



2009

HEADQUARTERS
PORTLAND
MAINE

16

576 CONGRESS STREET, PORTLAND, MAINE 30 SUPPORT STAFF MEMBERS 13 INDEPENDENTLY-OWNED & 3 LICENSED



\$150 MILLION ALL-TIME SALES

55,000 REWARDS MEMBERS

400+ EMPLOYEES

The OTTO story begins with two chefs from dramatically different culinary backgrounds united by the belief that pizza is serious food with the potential to transcend its "take-out chow" reputation by re-imagining the possibilities that exist beyond red sauce and mozzarella.





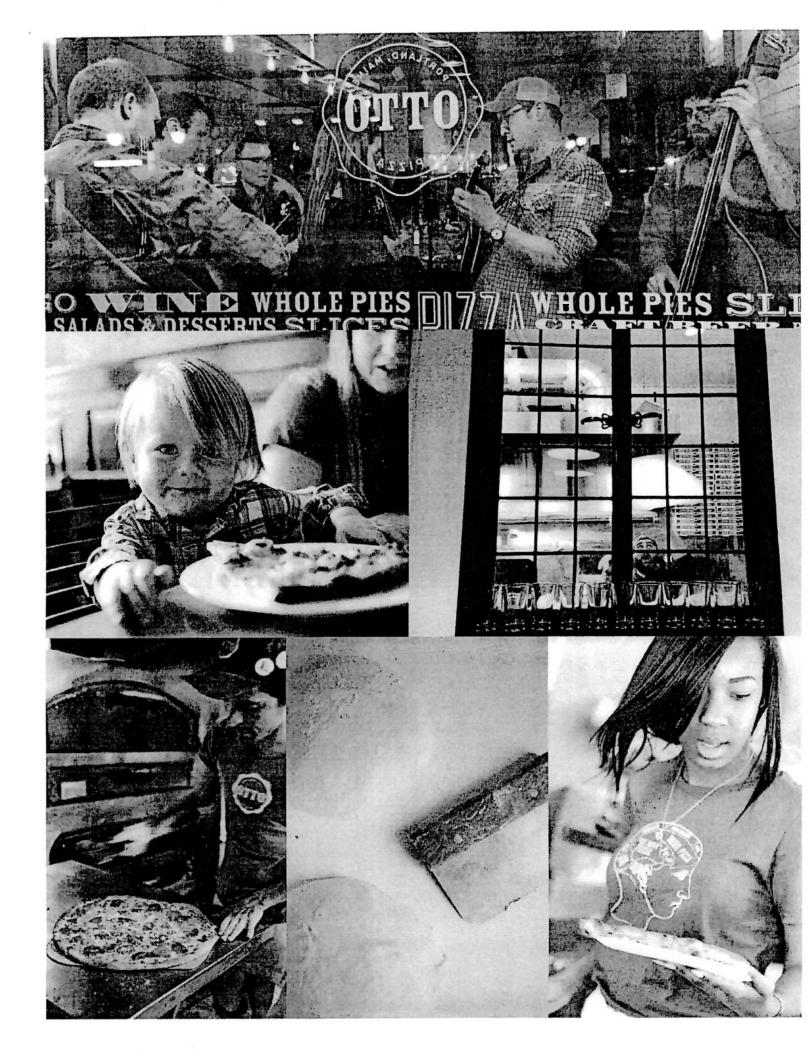
A native of Nantucket, **Anthony Allen** founded his first pizza shop on the island when he was 17, expanding a few years later to Martha's Vineyard. **Mike Keon** worked in the galleys on fishing boats off the coast of Alaska for more than 12 years. The two met just north of Boston as the owners of neighboring restaurants.

During downtimes, they'd swap stories of their culinary adventures. Like the time Anthony built a pizza oven from a 55-gallon oil drum and taught the locals in Tanzania how to make pizza. Or Mike's attempt to cook a full Thanksgiving dinner on a fishing boat in the middle of a violent storm. At one point, Mike said, the boat lurched hard and the oven door flew open.

The roasting pan and turkey,
 "shot out like a bobsled.
 Chasing that half-cooked,
 fat-slathered bird around the
 galley, trying to capture the
slippery thing and return it to the
oven before going back on deck...
it was just another day at sea."



With Anthony's decades of pizza experience, Mike's penchant for combining ingredients that aren't necessarily obvious, and a shared drive to take a staple foot to another level, OTTO was born in Portland, Maine in June 2009.



The most im with and the is our dough Alex Castielle opened our. Massachuser fresh, never process of disampling, withe texture, of the higher

The most important ingredient we work with and the foundation of all of our pies is our dough. In 2016, our Master Baker, Alex Castiello, joined our team and we opened our dough facility in Lynn, Massachusetts. Our dough is always fresh, never frozen. Through a rigorous process of developing, testing, and sampling, we were able to ensure that the texture, crust, and flavor is always of the highest quality.

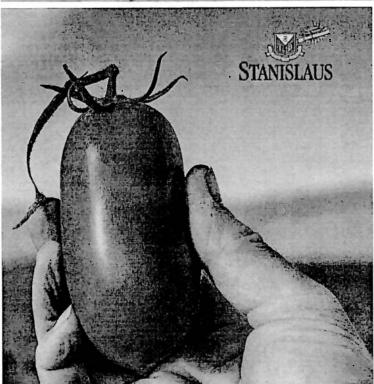
Our OTTO-made fresh dough officially launched to all locations in the beginning of 2016 and we continue to deliver fresh dough almost daily to all of our locations

"A great pizza comes down to the crust and OTTO has nailed it. Crispy, flavorful on the outside while still soft and floppy so it's able to be folded and eaten properly." OTTO Customer

little leaf

We are proud to source our lettuce from Massachusetts-based Little Leaf Farms. They grow their baby greens year-round using 100% captured rainwater. Chemical pesticides are never used. All lettuce is grown hydroponically to protect the topsoil and Little Leaf Farms only ships to stores within a day's drive. We serve their sustainable and local products at all of our locations.





Since we opened our first slice shop in 2009, we have topped our pies with Stanislaus pizza sauce. Using only high quality vine-ripened tomatoes from their farm, we trust Stanislaus because of their dedication to quality and consistency. Taking great care to balance the sugars and the acids of their tomatoes, Stanislaus provide us with great-tacting products year after year



Like our pizza sauce, we have used Grande Mozzarella since we first opened our doors. Grande delivers all natural Italian cheeses that provide the consistency and taste that we expect from all of our food products. The mozzarella delivers an exceptional consistency, melt, and flavor that brings out the

M



OTTO FUNDRAISERS GOOD FOOD GOOD CAUSES

Through monthly fundraiser series, food & monetary donations, and sponsorships, we have supported hundreds of community organizations in Maine and Massachusetts.

Big Brothers Big Sisters
Bikes Not Bombs
Birth Roots
Boston University Global Brigades
Brookline Arts Center
Brookline Literacy Partnership
Buddy Up Animal Society
Camp Sunshine

Girls Rock Boston
Kid's Peace
Maine Children's Cancer Program
Marine Mammals of Maine
Musica de Filia
Portland Stage
Scarborough Land Trust
Science Club for Girls



Since 2009, we have donated to

500+ organizations

Over \$250,000 donated since 2014

850+ fundraisers



5000+

pizzas donated since 2009

HerCampus
Local Schools
Vivid Motion
Ronald McDonald House
Special Olympics
Action for Healthy Kids
A Slice of Hope
Amirah
Climate Action Brookline

Increase in Donations

153[%] 2014 - 2018

Steff D.

"Dear Boyfriend,

I think you know this, but I'm having a love affair with OTTO."

Sarah B.

"I rarely give 5 stars unless it's the best food I've ever had in my life.

Phenomenal."

Reesie R.

"Even though I live in New York City, I'm slightly jealous of the pizza here and sad that I can't have it whenever I want!"



Beatrice T.

"How can I even begin to articulate my love towards this majestic prince-charming-of-pizza places. Even when I drive by, my heart flutters."

Dan B.

"Honestly, their tortellini pizza is worth writing a blank check for."

Nicole G.

"Oh my OTTO, how many times have I ran to you to reach you before you close in the wee hours of the morning? And more importantly, how many times will I do it again?"

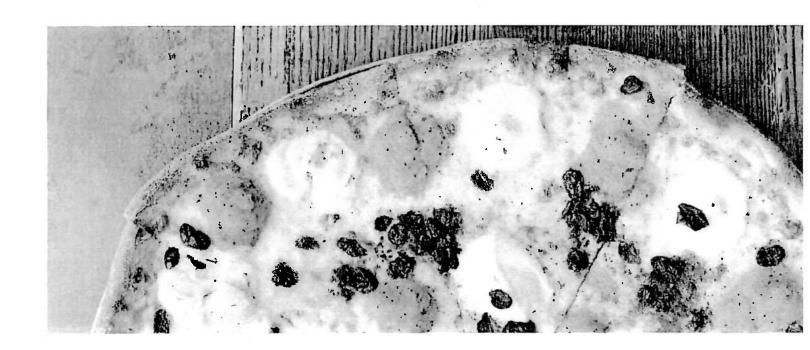


Doctors for Global Health, Boston

"We love OTTO not only for the delicious pizzas and the wonderful staff, but also for their mission of being community-driven."

Robbie

"My boyfriend is vegan and I am gluten-free and i am so thrilled that you have options for both of us. We were blown away by how delicious our pizzas were."





50 States, 50 Pizzas - Maine



One of the 'Best Pizzas in Massachusetts'



Best Pizza - Readers' Choice Awards



One of the '10 Best Pizzas in New England'



'Best Pizza in Maine'



One of the Fastest Growing Companies in Maine

Featured In The Press & Publication













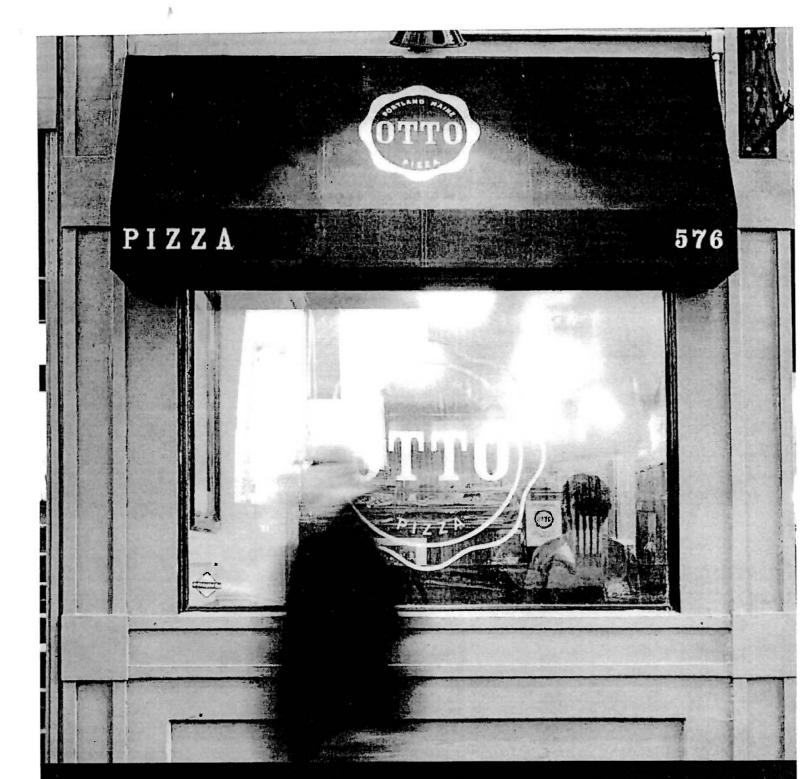
Featured Online & On Television













contactus@ottoportland.com 207.517.3091 www.ottoportland.com