

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

Petition No. : 40-23
Book: 9221 Page: 0168
Date: October 12, 2023

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

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

To: Wareham Fire District

Address: 2550 Cran Hwy

City or Town: Wareham, MA 02571

Affecting the rights of the owner with respect to land or buildings at 2550 Cranberry Hwy, Assessor's Map 109 Lot A1/A1

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a 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 special permit, 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 40 A of the Massachusetts General Laws.

Delia A. Thomas
Town Clerk

James O. Carobaca
Chairman
Clerk

NOV .02 2023



Bk: 58420 Pg: 111 Page: 1 of 6
Recorded: 11/02/2023 01:11 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

Mail to: Andrew Cunningham
Wareham Fire District
2550 Cranberry Hwy
Wareham MA 02571

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

No. 40-23

Petition of: Wareham Fire District

Location of Property: 2550 Cranberry Hwy, Wareham, MA

Date of Notification of Hearing: September 21, 2023 & September 28, 2023

Date of Hearing: October 11, 2023

Date of Notification of Decision: October 12, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

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 40 A of the Massachusetts General Laws.

.....
James R. Escoffier
.....

Delia A. Thomas
.....

NOV. 02 2023

Town Clerk
.....

.....
Board of Appeals

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 40-23

Applicant: Wareham Fire District

Owner: same

Owner Address: 2550 Cranberry Highway, Wareham, MA 02571

Subject Property Address: 2550 Cranberry Highway, Wareham, MA

Subject Property Parcel ID: Map 109 Lot A1/A1

Date of Public Hearing: October 11, 2023

Date of Notice: October 12, 2023

Decision/Reason:

The Zoning Board of Appeals held a public hearing on October 11, 2023 to hear testimony on the applicant's proposal to construct a Public Messaging Sign Board, with programmable LED lighting in a General Commercial zoning district. The Building Commissioner, in his letter of denial found the sign to be prohibited by the Zoning Bylaw and so the Board considered this application as a Use Variance. The proposed location is in front of the Fire District's offices on State Route 28. This was the second location proposed for the sign as the first proposal was in front of the Main St Fire Station. This location was rejected by the ZBA, so the applicant withdrew the application and reapplied for the location in front of the District's offices. The Board found this to be a preferred site, which would not conflict with the character of the neighborhood. The Board found that a hardship was created in the difficulty of trying to disseminate information to the public on important water utility and fire safety messages. The Board also found that approval of the sign would not derogate from the intent of the zoning bylaws and so granted relief in the form of a Use Variance as permitted by local bylaws and State law.

Conditions:

1. The dwelling is to be constructed per the plans submitted with the application, prepared for Scoreboard Enterprises by Cornerstone Engineering, dated May 25, 2023.
2. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
3. Any relief not expressly granted hereunder is hereby denied.
4. 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 appeals 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.
5. If substantial use or construction permitted by this Variance 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 Variance 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 Variance does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.
6. 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.
7. If the applicant wishes to modify the approved Record 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 without the need for any further ZBA approval.

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

TOWN OF WAREHAM ABUTTERS
 MAP 109A-1 LOT A1
 OWNER WAREHAM FIRE DISTRICT

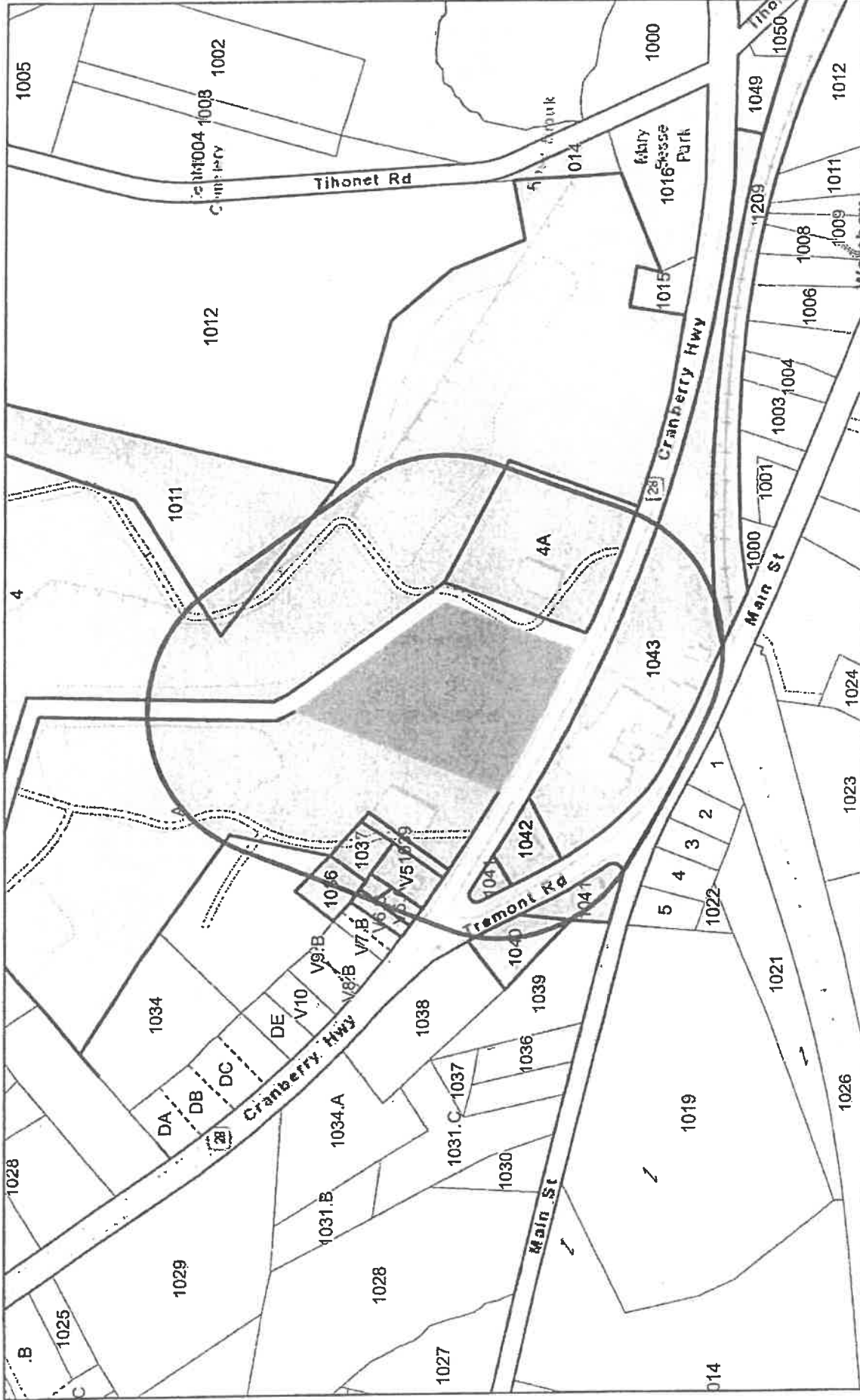
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
109A-1-1036	THOMPSON DAVID JACOB, THOMPSON CHARLENE ANN	2532 CRANBERRY HWY,	WAREHAM, MA	02571
109A-1-1037	GALAVOTTI PETER M,	PO BOX 52,	WAREHAM, MA	02576
109A-1-1039	MARCALICE LLC,	4 PARTRIDGE PATH,	WAREHAM, MA	02571
109A-2-1042	ALINA H CORP	2537 CRANBERRY HWY,	WAREHAM, MA	02571
109A-2-1043	TREMONT LANDLORD LLC,	135 SOUTH RD,	FARMINGTON, CT	06089
109-0-4A	CAPE COD CHOPPERS &, CUSTOM BIKES INC	2554 CRANBERRY HWY,	WAREHAM, MA	02571
61-0-1209	COMMONWEALTH OF MASS, EXEC OFFICE OF TRANS & CONST	MULTI-MODEL RAIL UNIT, 10 PARK PLAZA RM 3170	BOSTON, MA	02116
84-0-1040	NASMAN NATHANIEL	14 TREMONT RD	WAREHAM, MA	02571
84-0-1041	JASON REGAN C,	PO BOX 281,	SAGAMORE, MA	02561
109A-1-A1	WAREHAM FIRE DISTRICT,	2550 CRANBERRY HWY,	WAREHAM, MA	02571
109-0-4	MAKEPEACE COMPANY A D, MAKEPEACE CO A D	158 TIHONET RD,	WAREHAM, MA	02571

CERTIFIED ABUTTERS AS THEY APPEAR
 ON OUR TAX ROLLS AS OF 8/28/2023

Ronnie Atkins
 ASSESSORS OFFICE

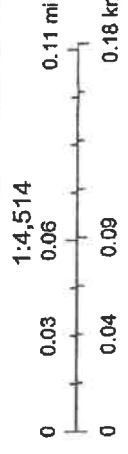
REQUESTED BY
 ANDREW CUNNINGHAM
 508 295-0450 X101
 ACUNNINGHAM@WAREHAM.MA.US

ArcGIS Web Map



8/28/2023, 12:07:08 PM

- Parcels with CAMA Data
- Parcel Lines
- Common Line
- PWater
- Property Line
- Public Road
- Railroad
- MiscPolys
- Private Road ROW
- Right of Way
- Miscellaneous Lines
- PropNotPar



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 40-23

Petitioner Name: Wareham Fire District

Map: 109

Lot: A1/A1

Address: 2550 Cranberry Highway, Wareham, MA

Project: Seeking to add a Two Sided Digital Message Display Sign

Special Permit

Variance

Both (Circle one)

Reason for granting/denying the application:

Conditions:

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Official Receipt for Recording in:

Plymouth County Registry of Deeds
50 Obery St.

Plymouth, Massachusetts 02360

Issued To:

ANDREW CUNNINGHAM
WAREHAM FIRE DISTRICT
2550 CRANBERRY HWY
WAREHAM MA 02571

Recording Fees

Document Description	Number	Book/Page	Recording Amount
NOTC OR WAREHAM TOWN APPEALS OR WAREHAM FIRE DISTRICT	00071597	58420 111	\$105.00
POST\$2			\$2.00
			\$107.00

Collected Amounts

Payment Type	Amount
Swipe Credit Card	\$107.00
\$107.00	

Total Received :	\$107.00
Less Total Recordings:	\$107.00
Change Due :	
	\$.00

Thank You
JOHN R. BUCKLEY, JR. - Register of Deeds

By: Debra Whelan

Receipt# Date Time
3534665 11/02/2023 01:11p

Reprinted By: Debra Whelan
Reprinted On: 11/02/2023 01:11p