

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

WAREHAM TOWN CLERK  
2023 NOV 7 PM 4:00

No. 42-23

Petition of: David Barry

Location of Property: 3138 Cranberry Hwy, Wareham, MA

Date of Notification of Hearing: October 5, 2023 & October 12, 2023

Date of Hearing: October 25, 2023

Date of Notification of Decision: October 26, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

.....  
*James D. Easbee*  
.....

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.

*Olivia A. Mera*  
Town Clerk

Board of Appeals

\*\*Deed reference Book 58241, Page 83

*November 27, 2023*

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

WAREHAM TOWN CLERK  
2023 NOV 7 PM 4:00

BOARD OF APPEALS

Petition No. : 42-23  
Book: 18202 Page: 0306  
Date: October 26, 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: VMB Properties, LLC

Address: 48 Highland Circle

City or Town: Halifax, MA 02338

Affecting the rights of the owner with respect to land or buildings at 3138 Cranberry Hwy, Assessor's Map 7A-1 Lot A

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.

James D. Jacobson  
Chairman  
Clerk

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.

Debra A. Shemo  
Town Clerk

November 27, 2023

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition: 42-23

Applicant: David Barry

Owner: VMB Properties, LLC.

Owner Address: 48 Highland Circle, Halifax, MA 02338

Subject Property Address: 3138 Cranberry Hwy., Wareham, MA

Subject Property Parcel ID: Map 7A-1 Lot A

Date of Public Hearing: October 25, 2023

Date of Notice: October 26, 2023

Decision/Reason:

The Zoning Board of Appeals held a public hearing on October 25, 2023 to hear testimony and make findings regarding the request for a new face on an existing sign that is non-conforming as to zoning bylaws. The Board found that the change was without impact to the district and did not derogate from the intent of the zoning bylaws. The Board considered not allowing the change in name and face on the sign to be a hardship. Consequently, the Zoning Board of Appeals voted (4-0-0) to grant a Variance.

Conditions:

1. Any relief not expressly granted hereunder is hereby denied.
2. 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. The applicant may act at their own risk prior to the 20 days elapsing.
3. 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 & the amount of time required to pursue and await the determination of any such appeal, then this Special Permit/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 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.
4. 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.
5. 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

ZONING BOARD OF APPEALS DECISION SHEET

Petition Number: 42-23

Petitioner Name: David Barry

Map: 7A-1

Lot: A

Address: 3138 Cranberry Hwy, Wareham, MA

Project: Seeking to replace the faces of the existing double sided pylon sign

Special Permit      Variance      Both (Circle one)

Reason for granting/denying the application:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conditions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS				
MAP 7A-1 LOT A				
CINWER VBM PROPERTIES LLC				
7A-1-A	VMB PROPERTIES LLC	48 HIGHLAND COR	HAUFAX, MA	02338
7A-1-15	MARINO GUY J TRUSTEE, OF THE SUNRISE REALTY TRUST	15 GUNWOOD LN,	N EASTON, MA	02356
7A-1-24	STEELE-WEDGE RUTH A TR ANCHOR, STORAGE NOMINEE TRUST	88 ONSET AVE,	BUZZARDS BAY, MA	02532
7A-1-31	VALDEZ SUSAN I,	PO BOX 928,	BUZZARDS BAY, MA	02532
7A-1-32	FOSTER ELMER L, FOSTER LINDA L	220 PLAIN ST,	BROCKTON, MA	02302
7A-1-40	HEMMINGS JOHN TRUSTEE OF THE, 3 AZTEC DRIVE NOMINEE TRUST	3 AZTEC DR,	BUZZARDS BAY, MA	02532
7A-1-41	SANGER JILL M,	5 AZTEC DR,	BUZZARDS BAY, MA	02532
7A-1-42	TOSCANO FRANCES L,	2 BRAEBURN RD,	HYDE PARK, MA	02136
7A-1-43	SHAHEEN CHRISTIAN,	7 CHIPPEWA DR,	BUZZARDS BAY, MA	02532
7A-1-44	ELLIOTT RICHARD D,	9 CHIPPEWA DR,	BUZZARDS BAY, MA	02532
7A-1-7	JOHAR KARAN V, JOHAR ARUNA R	589 RAYMOND RD,	PLYMOUTH, MA	02360
7A-3-100	MCDONOUGH SHEILA, C/O SUSAN DUNCAN SLOANE	41 COHASSET RD	BUZZARDS BAY, MA	02532
7A-3-101	MCDONOUGH SHEILA MARY,	21 BOSTON PL,	BUZZARDS BAY, MA	02532
7A-3-122	FRANEY KRISTI M,	9 APACHE LN,	BUZZARDS BAY, MA	02532
7A-3-64	MARINELLI MICHAEL J, MARINELLI JILL L	31 BUNGALOW LN,	BUZZARDS BAY, MA	02532
7A-3-67	BACCI LYNNE, C/O LYNNE MACKINSON	25 BUNGALOW LANE,	BUZZARDS BAY, MA	02532
7A-3-93	WESTGATE KEITH J, WESTGATE ANNETTE D	16 BUNGALOW LN,	BUZZARDS BAY, MA	02532
7A-3-97	BROCKNEY MARGARET F,	24 BUNGALOW LN,	BUZZARDS BAY, MA	02532
7-0-1008	CECCHINELLI JOSEPH G & AMIDA F TRS, C/O THE SAVAGE KOW LLC	6 MARKS COVE RD,	WAREHAM, MA	02571
8-0-1011	SAVAGE KOW LLC THE,	6 MARK'S COVE RD,	WAREHAM, MA	02571
8-0-1025.A	EAST WAREHAM LLC, C/O HOMEPLACE PROPERTIES INC	PO BOX 120,	GRIFFIN, GA	30224
8-1069	COMM OF MASS EXEC OFFICE RAIL UNIT	10 PARK PLAZA RM 3170	BOSTON, MA	02116
CERTIFIED ABUTTERS AS THEY APPEAR				
ON OUR TAX ROLLS AS OF 9/26/2023				
<i>W. Capez Attorns</i>				
ASSESSORS OFFICE				
REQUESTED BY DAVID BARRY				
781 858-1987				
DAVE@TOWNETAVERN.COM				

# E-recording Report of Recorded Documents

Itemized Fee View

Prepared for: Vieira & Digianfilippo PC (MATWK8)

Cost center: MATWK8

Report generated: 11/28/2023 01:38 PM MST

## Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE	AMT	SF	TOTAL	PROCESSED	
<b>Plymouth County, MA</b>									
<b>Nov 28, 2023</b>									
<b>Variance Barry</b>									
Variance Barry	Notice	5	E 00077481 B 58485 P 301	11/28/2023 03:04 PM EST	No fee Recording Fee	0.00 106.00	Submission Fee 4.75 4.75 106.00	11/28/2023 11/28/2023	
						<b>106.00</b>	<b>4.75</b>	<b>110.75</b>	
						<b>106.00</b>	<b>4.75</b>	<b>110.75</b>	
<b>Totals for Plymouth County, MA</b>						<b>106.00</b>	<b>4.75</b>	<b>110.75</b>	

## Recording Fee Totals

COUNTY	RECORD DATE	AMT	SF	TOTAL
Plymouth County, MA	11/28/2023	106.00	4.75	110.75
<b>Totals for Plymouth County, MA</b>		<b>106.00</b>	<b>4.75</b>	<b>110.75</b>
<b>Total of All Recording Fees</b>		<b>106.00</b>	<b>4.75</b>	<b>110.75</b>

Document Count: 1

Package Count: 1

### Questions Contact:

Simplifile Support 800.460.5657, option 3  
5072 North 300 West  
Provo, UT 84604