The Law Offices of Bello & Morton, LLC

184 Main Street Wareham, Massachusetts 02571 · 508-681-2334

February 8. 2023

Zoning Board of Appeals of Wareham

Memorial Town Hall

54 Marion Road

Wareham, Ma 02571

***Re: Attorney Opinion Letter in Support of the Petition for 1-23 Rony’s Realty, LLC- Special Permit- 3178 Cranberry Hwy. – Map 9, Lots W-19, W-20, 24, W-25***

Dear Board:

I represent Rony Daou for the above application for a Special Permit for a Motor Vehicle service on the site located at 3178-3180 Cranberry Highway. The By-Law allows this by way of Special Permit through the Zoning Board of Appeals. My client is currently operating a U-Haul rental company out of the location and would like to expand to allow for inspection and servicing on the premises.

The Lot itself is in the CS district of Town and the proposed built meets all of the requirements regarding maximum building cover and impervious cover- see below

Maximum Building cover - 40%

Proposed building cover 26.24%

Maximum Impervious Cover: 65%

Proposed impervious cover: 60.95%

**The Legal Standard under the By-Law: Section 1461:**

The Board of Appeals or Planning Board shall not approve any application for a Special Permit unless it finds that in its judgement, all of the following conditions are met:

1. The Use as developed will not adversely affect the neighborhood.

2. The specific site is an appropriate location for such a Use, structure, or condition.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed Use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds, or saltwater embayments.

5. The Use or structure as proposed does not pose a substantial detriment to the town or neighborhood in which it is proposed.

6. The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-law

**The Standard Applied to our Case:**

1. The Use will not adversely affect the neighborhood as it would actually create a well-developed building with landscaping and curb appeal. Currently in a commercial area the front of the lot is all pavements. The proposed plan adds the landscaping element and the new constructions of an attractive building. We need to encourage development on the Cranberry Highway route and development of underdeveloped commercial space for our business owners.
2. The Use in the bylaw is allowed by special permit review as to protect against a developer looking to build a motor vehicle garage right near a neighborhood or other business whereas it would become a nuisance. This site is appropriate as it has all of the square footage and space for the proposed build and adequate access for drivers to pull in safely. There are many other Motor Vehicle Services on Cranberry Highway with a fraction of the amount of space the applicant has.
3. The site does not pose serious risk for pedestrians or motor vehicles. The current state of the site is worse as some motor vehicles have attempted to use this site as a turn around and conduct illegal U-turns. The build improves the limited access into the site with directionals on where motorists should stop, and customers should park.
4. There are adequate facilities for the proposed build including sewer and other utilities.
5. The proposed build is not substantially detrimental to the Town or abutters. It will be an asset to have redevelopment of this Cranberry Highway site – improved facilities for the residents of the Town, a thoughtful landscaping plan and increased amenities for the public. The plan improves the traffic pattern and the site and appropriately utilizes commercial designated space here in Wareham.
6. All of the other by-laws are satisfied, and this proposed build does not derogate from the intent of the Wareham Zoning ByLaws. It allows for review of the plans and build by the Zoning Board of Appeals.

All things considered allowing this Variance would not be detrimental to the neighborhood and would be an asset to improve Cranberry Highway.

Respectfully submitted,

By: Jilian A. Morton, Esq.