

Christopher Conti  
2614/2616 Cranberry Hwy  
Wareham, MA 02571

November 08, 2023

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

Re: 45-23 Joshua DeOlim – Special Permit and Variances 2618 Cranberry Hwy

Dear Mr Elkallassi and Members of the Board

I am writing regarding petition 45-23 Joshua DeOlim – Special Permit and Variances 2618 Cranberry Hwy, I am a direct abutter to this property approximately 355 ft on the east side of my property. I am not in support of a motor vehicle sales, motor vehicle service and towing business which the owner has applied for. This board denied the applicant on April 12, 2023, for motor vehicle service which our bylaws state the applicant cannot come back for 2 years after the denial. (See Exhibit A meeting minutes)

The applicant states he will be working in conjunction with his father next door at 2620 Cranberry Hwy. who operates an unpermitted motor vehicle service business since Sept 2004. (See Exhibit B commissioner denial letters). In the application it states both properties 2618 & 2620 will be utilizing this permit, each property should be applying separately, they have different owners.

Joshua DeOlim has no regard for following any of our Zoning by laws, he has been running his business for over two years without any approvals and has thrown the building commissioner off his property. He also has created a 2 family without any approval. I know one of his tenants who has been living there for over 10 years on the first floor without any rental registration from the Health Department. I see other tenants living on the second floor for over a year.

He wants to turn a nonconforming residential garage to a commercial use, which is 30 INCHES from my property line which would require many variances (at least 8) and would intensify the nonconformity. (See Exhibit C) There are no factors relating to the soil conditions, lot shape or topography that would create a substantial hardship. The shape of this property is no different from the rest of the lots in the area, there is nothing unique about this lot. (See Exhibit D Map 110) There is NO Hardship! (1470 bylaws). The owner purchased the property knowing the shape of the lot.

Attorney Perry's letter to the board does not have the correct dimensions of the lot, the rear of the lot is 60.60' not 26.71', front is 106.92' not 120.64' according to the site plan.

Massachusetts General Law – Part I Title XV Chapter 110 Section 5 Certificates of persons conducting businesses.

Requires any person conducting business in the commonwealth file business certificate with town clerk.

There is no filing for 2618 or 2620 Cranberry Hwy in the Wareham Town Clerks office.

Joshua DeOlim is operating an automotive sales, towing and repair shop, he has posts on facebook marketplace selling parts off Junk cars on the property, approving this petition the property will become an auto Salvage Yard, it has already started. (See Exhibit E on cars parting out)

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. –Used car lots does not add any positive value to the neighborhood. This will create more traffic to the neighborhood.

2. The specific site is an appropriate location for such a Use, structure, or condition. – this is not an appropriate location for a used car lot, mixed in with residential building on the same lot.
3. There will be no nuisance or serious hazard to vehicles or pedestrians. – this business does create a nuisance and could be hazardous to vehicles on Cranberry Hwy entering and leaving. There is a noise nuisance of vacuuming cars all the time outside 30 inches from my property and spray-painting vehicles. (See Exhibit F)
4. Adequate and appropriate facilities will be provided for the proper operation of the proposed Use. Does not have adequate facilities, he can not even pull a vehicle into the residential garage that he wants to turn into a commercial use. There is no bathroom for any employees in this building and no sewer.
5. The Use or structure as proposed does not pose a substantial detriment to the town or neighborhood in which it is proposed. – This is definitely a detriment to the neighborhood junk/salvage yard/used car lot should be in an area that is more commercially developed or industrial part of town.
6. The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-law. – this property has other Zoning by law violations (2 family without SPZ or rental registration)

I would ask the board to deny this special permit variance siteplan review application.

Respectfully submitted,



Christopher Conti

# EXHIBIT A

Wareham Zoning Board of Appeals  
Wednesday, April 12, 2023 – 6:30 p.m.  
Draft Minutes

**Location: Wareham Multi-Service Center, 48 Marion Road, Wareham, MA, Room 320.**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**Present:** Nazih Elkallassi, Jim Eacobacci, Richard Semple, Veronica DeBonise and Troy Larson

**Absent:** Mr. Morrison

**III. PRELIMINARY BUSINESS**

**1. Approval of Meeting Minutes: 3/22/23**

Mr. Semple made a motion to continue the minutes to April 26, 2023, and was seconded by Ms. DeBonise. The motion passed unanimously. This will give the board enough time for review.

**2. 29-22 Joshua DeOlim – Special Permit – 2618 Cranberry Highway – Map 110, Lot 1051 – Discussion and Possible Vote: Applicant Withdraw, without prejudice.**

Mr. Eacobacci stated this was an applicant withdrawal without prejudice.

**Present before the Board:** Attorney Perry was present for the applicant and said he can't get the final site plan review from the engineer, he said he's not satisfied and requested a withdrawal without prejudice.

Mr. Elkallassi stated he would request the withdrawal with prejudice as it's not understood what is happening at the location. He said that they have been under violation for more than a year.

Mr. Larson agreed.

Ms. DeBonise said she would like to see action by the Town to push the applicant to move forward legally; and if with prejudice, they can't move forward legally.

Attorney Perry said the kid bought the garage and thought he could run it as it was but didn't know he was doing it illegally.

Paul Turner, Building Commissioner was present. He said he has been cited for the last eight to nine years. Mr. Turner said he went out when he first started but was told to 'get off the property', as he was trespassing. He said the owner had no respect for the by-laws.

Mr. Eacobacci stated this was first in front of us, the son Joshua owns the property in front of them; and his father is the owner's lot near him. He said they need to make it clear who the complaint is against.

Attorney Perry said his client is doing work under his name.

Mr. Elkallassi said they should investigate a bit more. Mr. Semple stated he would like to approve with prejudice.

Mr. Eacobacci recommended a continuance to two weeks with the plans he has.

Christopher Conti spoke and said he was a direct abutter. He said that Mr. DeOlim was operational and has been since he bought it. He said the area is a mess and they have no regard to the laws. He said he would like to see the board withdraw without prejudice.

**Motion to Continue:** Mr. Eacobacci made a motion to continue for two weeks to April 26, 2023. There was no second. The motion did not go forward.

Ms. DeBonise asked what their choices are to help the applicant move forward. Mr. Turner said he would like to see it legitimately and issued a violation letter of the violations on the property.

Mr. Eacobacci said he thinks it's legitimate but needs to be done properly and would like to see the plans that are drawn, and the Town can work with them. He said it's an allowed use in the zone but needs a Special Permit.

Mr. Semple said regardless he is still doing business in the Town and kicking the can down the road. He said it's unfair and he's not being cooperative.

Mr. Larson said he feels the same way as Mr. Semple. He said there should be fines if he isn't in compliance.

Mr. Elkallassi said he doesn't believe that they can't get plans for nearly a year.

**Motion to Continue:** Ms. DeBonise made a motion to continue to April 26, 2023, and was seconded by Mr. Eacobacci. Per a roll call vote, the motion was denied, with only Ms. DeBonise and Mr. Eacobacci in favor of continuing.

**Motion to Close:** Mr. Elkallassi made a motion to close the public hearing which was seconded by Mr. Eacobacci. The motion passed unanimously. (5-0-0).

**Motion to Deny:** Mr. Elkallassi made a motion to deny 29-22 Special Permit and Site Plan Review and was seconded by Mr. Semple. Per Roll call vote, the motion passed, 4-1-0 with Mr. Eacobacci in denial of the motion.

### **3. 33-18 Ninety Six Realty, LLC – 0 Squirrel Island Rd – Map 74, Lot 1009-Discussion and Possible Vote: Remand Hearing**

**Present before the Board:** Attorney Perry was present for the applicant. He said in 2018 he asked for an overturn of the Building Commissioner's denial and then it was denied by the ZBA. He said he refiled in 2019.

There was a discussion about whether this hearing was opened previously.

Ms. DeBonise said she contacted the Town and there was no paperwork.

Attorney Perry thought it was present as a continued public hearing.

# **EXHIBIT B**



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

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Antonio Deolin  
Everything Automotive  
2620 Cranberry Highway  
Wareham, MA 02571

May 13, 2021

**RE:** Motor Vehicle Service Use at 2618 Cran Hwy

Map #110, Lot #1051

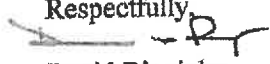
I have reviewed your application to conduct a Motor Vehicle Service use at 2618 Cranberry Highway, in Wareham, MA. The use is not permitted by right in the Strip Commercial zoning district and must be denied at this time.

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

- **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 building is located in CS Zoning district.

Respectfully,

  
David Riquinha  
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.





**TOWN OF WAREHAM**  
64 MARION ROAD  
WAREHAM, MASSACHUSETTS 02571

**INSPECTIONAL SERVICES**  
(508) 291-3100, Ext. 3194

Date: January 2, 2007

Mr. Antonio Deolim  
2620 Cranberry Highway  
Wareham, MA 02571

Re: 2620 Cranberry Highway

Dear Mr. Deolim:

I have received your application to open an Auto Repair Shop at the property located at 2620 Cranberry Highway (Lot 1052 of Assessors Map 110) which is located in CS District.

After reviewing this application it is my opinion that this use is allowed in this district with a special permit/site plan review from the Board of Appeals as required in the Zoning Bylaws Article 3 Table 320 Sub Sec. Commercial Uses and Article 15 Site Plan Review. If you have any questions or if you are aggrieved by this decision you can appeal it to the Board of Appeals.

Sincerely,

  
Theodore Misiaszek  
Director of Inspectional Services  
Zoning Enforcement Officer

TM/sms

**FILE COPY**



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

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Joshua Deolim  
Route 28 Auto Solutions  
2620 Cranberry Highway  
Wareham, MA 02571

May 13, 2021

**RE: Motor Vehicle Service Use at 2620 Cran Hwy**

Map #110, Lot #1052

I have reviewed your application to conduct a Motor Vehicle Service use at 2620 Cranberry Highway, in Wareham, MA. 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 sections of the Wareham Zoning By-Law:

- **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 building is located in CS Zoning district.

Respectfully,

David Riquinha  
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.**

# ~~Re:~~ 2620 Cran Hwy- ZBA Approval

Sonia Raposo

Mon 1/25/2021 12:14 PM

\*\*DONE

To: Jenna Deane <jdeane@wareham.ma.us>;

Hi Jenna,

I have looked at all of my petitions from 2016-2020 "Everything Automotive - 2620 Cran Hwy" isn't listed so I am comfortable in saying, they have never been in front of ZBA

Thank you,

Sonia Raposo

Assistant to the Planning Department

Town of Wareham

Phone: (508) 291-3100 Ext. 6500

**From:** Jenna Deane

**Sent:** Monday, January 25, 2021 11:24 AM

**To:** Sonia Raposo

**Subject:** 2620 Cran Hwy- ZBA Approval

Hi Sonia

Can you please let me know if Everything Automotive, located at 2620 Cran Hwy, received ZBA approval to operate an automotive repair business at that location?

Timeframe would be from 2016-2020.

Thank you

**Jenna Deane**

Senior Department Assistant

Town of Wareham

Inspectional Services Dept.

508-291-3100 x 3190

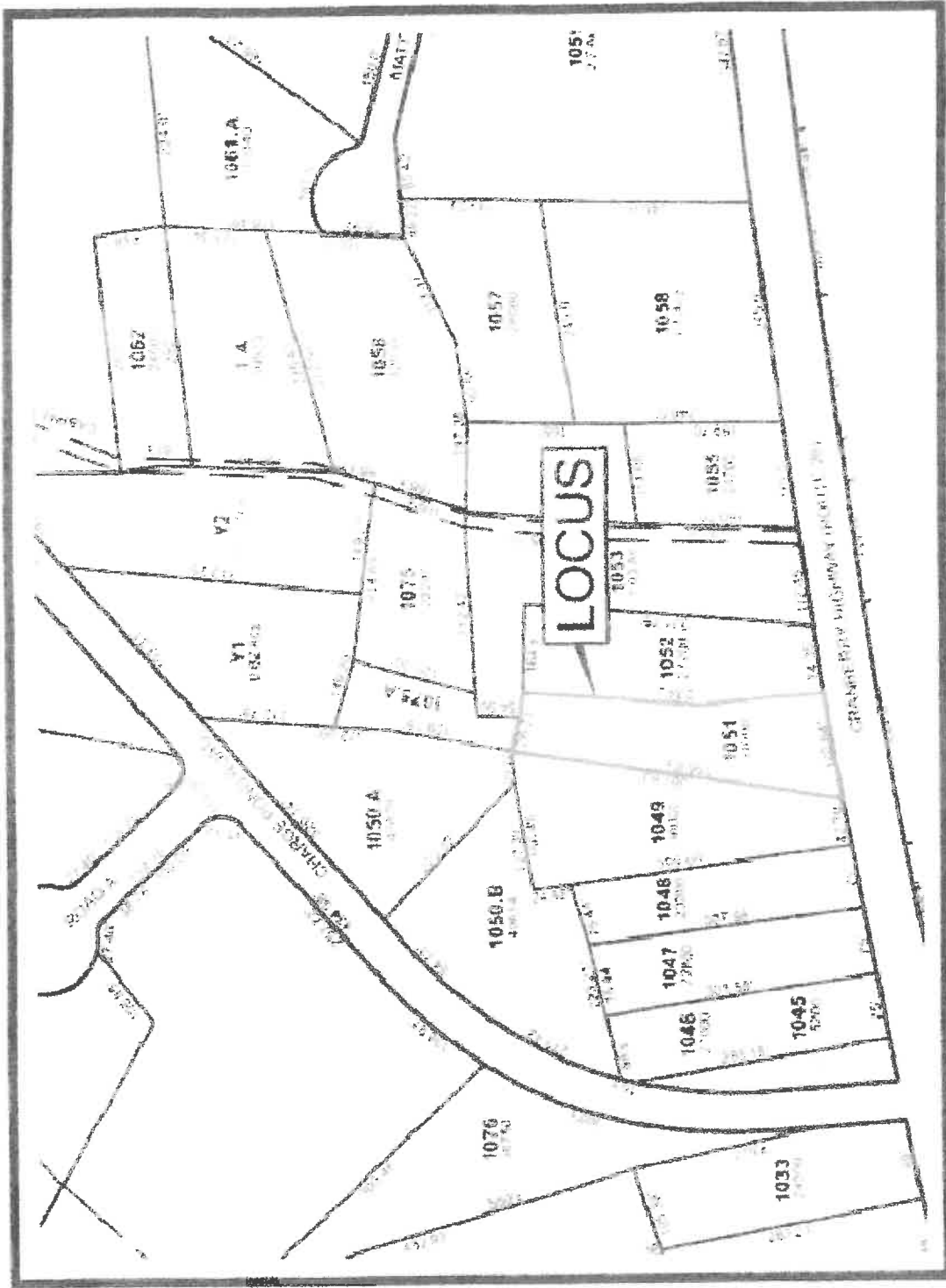
# EXHIBIT C



30" From my property



# **EXHIBIT D**



ASSESSORS MAP  
NTS



# EXHIBIT E



## 2006 Toyota 4runner Limited Sport Utility 4D

\$1,200

Listed about an hour ago in Wareham, MA

Posted Today 11/08/2023

Send seller a message

Hi, is this available?

Send

Save

Share

### About This Vehicle

Driven 999,999 miles

Automatic transmission

Exterior color: Black · Interior color: Black

Fuel type: Gasoline

14.0 MPG city · 18.0 MPG highway · 16.0 MPG combined



### Seller's Description

No key or title . Parts car or will sell whole . Message me with interest. V8 4x4

Wareham, MA

Location is approximate

### Seller Information

[Seller details](#)



Siobhan Megan O'Connor

★★★★☆ (10)



# 2005 Lincoln town car Signature Limited Sedan 4D

\$750

Listed a day ago in Wareham, MA

Send seller a message

Hello, is this still available?

Send

Save

Share

## About This Vehicle

- Driven 224,000 miles
- Automatic transmission
- Exterior color: White · Interior color: Beige
- Fuel type: Gasoline

16.0 MPG city · 23.0 MPG highway · 19.0 MPG combined



20+

### Seller's Description

Starts runs drives and stops. 225,000 miles. No catalytic converters so exhaust is loud. Make a great derby car/ thrill show. Or fix it up a little for a cheap a to b daily. Clean title . \$750 come take it away . See less



Wareham, MA

Location is approximate

### Seller Information

[Seller details](#)



Siobhan Megan O'Connor

★ ★ ★ (10)



Joined Facebook in 2008



## 2006 f250 f350 superduty parts

\$999

Listed a week ago in Wareham, MA

Send seller a message

Hello, is this still available?

Send

Save

Share



### Details

Condition

Used - Good

Full part out. 8' wood flatbed , nice wheels , fisher push plates / wiring , decent seat . I can take off what you want



## 2009 camry part out / parts

\$999

Listed a day ago in Wareham, MA

Send seller a message

Hi, is this available?

View

Save

Share

Details

Condition

Used - Good

All parts for sale



## 2006 Toyota Avalon · Limited Sedan 4D

\$1,350

Listed 4 days ago in Wareham, MA

Send seller a message

Hello, is this still available?

Send

Save

Share

### About This Vehicle

- Driven 216,000 miles
- Automatic transmission
- Exterior color: Burgundy · Interior color: Beige
- Fuel type: Gasoline



20.0 MPG city · 28.0 MPG highway · 23.0 MPG combined



### Seller's Description

Cranks over but does not start. 216,000 miles . Limited trim with every option . Clean title bring cash and tow it away . See less

Wareham, MA

Location is approximate

### Seller Information

[Seller details](#)



Siobhan Megan O'Connor

★★★★☆ (9)



Joined Facebook in 2008



## 1999 gmc 3500 part out

\$999 · In stock

Listed in Wareham, MA

 Send seller a message

Hello, is this still available?

Send

 Save

 Share

### Details

Condition

Used - like new

Full part out let me know what you want I can take it off for you . Dump Body in good shape . Nice wheels 19.5 " . Diesel engine . Not running .



## 2004 Dodge ram 1500 regular cab SLT Pickup 2D 6 1/4 ft

\$1,400

Listed 2 days ago in Wareham, MA

Send seller a message

Hi, is this available?

Send

Save

Share

### How this price compares

Kelley Blue Book® Private Party Value

**\$1,400**

Low

High  
**\$1,796 – \$6,111**

[How it's calculated](#)

## About This Vehicle



Driven 182,000 miles



Automatic transmission



Exterior color: Blue · Interior color: Black



Fuel type: Gasoline



## Seller's Description

Runs great . 5.7 hemi engine with 4x4. Alternator is not charging and needs to be replaced. 182,000 miles . Body not too bad on rust . Frame is nice and solid . Make a great plow truck/ work truck. Come take it away bring cash and a trailer . I can also offer delivery if payment is made first . See less



## Wareham, MA

Location is approximate

## Seller Information

[Seller details](#)



Siobhan Megan O'Connor

★★★★☆ (10)



Joined Facebook in 2008



## 2009 Volkswagen Passat wagon parts

\$999

Listed 27 minutes ago in Wareham, MA

Send seller a message

Hello, is this still available?

Send

Save

Share

### Details

Condition

Used - Good

Full part out . I can take off the part you want .

# **EXHIBIT F**



Spray painting vehicles  
without proper facility



This on Cranberry Hwy in front of my house  
Happens all the time