

**ZONING BOARD OF APPEALS
54 Marion Road
Wareham, MA 02571**

**WAREHAM TOWN CLERK
2023 NOV 8 PM5:23**

NOTICE OF PUBLIC HEARING

The Zoning Board of Appeals will hold a public hearing on **December 27, 2023 at 6:30 p.m. in Room 320 of the Wareham Multi Service Center, 48 Marion Road, Wareham, MA 02571** to reconsider **Petition # 12-23, SHM Onset Bay, LLC. (F/K/A BOBM, Inc.) c/o Steven M. Guard, Esq. of 1165 Washington Street, Hanover, MA** pursuant to the Court's Order of Remand as the Applicant's Remand Request for Reconsideration for height of boat storage structure located at **18 Green St, Wareham, MA (Assessors Map 3, Lot 1014) in the MRN zoning district.**

Nazih Elkallassi, Chairman

First Notice: November 30, 2023

Second Notice: December 07, 2023

ZBA map 3/1014



GUARD LAW LLC

WAREHAM TOWN CLERK
2023 NOV 1 PM4:37

October 30, 2023

Via email sraposo@wareham.ma.us

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

**RE: SHM Onset Bay LLC v. Zoning Board of Appeals of Wareham, Land Court Misc. Case
Docket No. 23 MISC 000290**

Dear Mr. Elkallassi;

With reference to the above-mentioned matter kindly accept this letter pursuant to the Court's Order of Remand as the Applicant's Remand Request for reconsideration in this case. The Applicant proposes no changes to the plans as previously submitted and asks the board to reconsider its interpretation of the applicable bylaw for the height limitation contained in the appealed upon decision at its next available public hearing, after notice pursuant to G.L. c. 40A, §11.

Should you have any questions please do not hesitate to contact the undersigned.

Thank you.

Very truly yours,

Steven M. Guard

Steven M. Guard

SMG/gd

Encls.

cc: Client

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

WAREHAM TOWN CLERK
2023 NOV 1 PM 4:37

PLYMOUTH, ss

MISCELLANEOUS CASE
NO. 23 MISC 000290 (RBF)

SHM ONSET BAY LLC,

Plaintiff,

v.

ZONING BOARD OF APPEALS OF
WAREHAM, NAZIEH ELKALLASSI, JACOB
MORRISON, VERONICA DeBONISE, TROY
LARSON, JAMES EACOBACCI, and RICHARD
SEMPLE, as they are Members of the
WAREHAM ZONING BOARD OF APPEALS,

Defendants.

ORDER OF REMAND

The court, upon consideration of the parties' Joint Motion for Remand, filed October 27, 2023, hereby orders this case remanded to the Wareham Zoning Board of Appeals ("Board") so that the plaintiff SHM Onset Bay LLC ("SHM") may submit to the Board a written request to reconsider its finding with respect to the property at 18 Green Street, Wareham, Plymouth County, Massachusetts (the "Property") that all structures are limited to 33 feet in height in light of a legal interpretation of a particular section of the Wareham Zoning Bylaw upon which the Board made such finding, namely Bylaw section 1361 (the "Remand Request").

SHM shall file its Remand Request with the Board within ten (10) days of the date of this Order of Remand. The Board shall schedule a public hearing on the Remand Request as soon as

possible and no later than thirty (30) days after the date of this Order of Remand. Notice of the public hearing shall be provided pursuant to G.L. c. 40A, § 11 and sent to all parties in interest. Any costs of advertising the public hearing shall be borne by SHM. No new application fee shall be charged to SHM for the Remand Request.

In considering the Remand Request, the Board shall reconsider the evidence presented in the proceedings on the original petition that is the subject of this action along with the Remand Request and any new evidence presented as part of the Remand Request. At the public hearing, SHM may present evidence and testimony pertaining to the Remand Request and the zoning relief requested in the Remand Request. After the close of the public hearing, the Board shall consider all the evidence, including but not limited to the evidence presented as part of the proceedings of the original petition, the Remand Request, and evidence presented during the public hearing. After consideration of all the evidence, the Board shall issue a written decision on the Remand Request, with findings supported by the evidence, in accordance with the Town of Wareham Zoning Ordinance and G.L. c. 40A, § 9 (the "Remand Decision"). The Board shall issue and file the Remand Decision with the Wareham Town Clerk as soon as possible and no later than 14 days after the close of the public hearing.

The court shall retain jurisdiction of this matter for all purposes, including, but not limited to: (1) enforcing the terms and conditions of this Order of Remand, and (2) hearing any subsequent appeals. SHM shall be entitled to appeal the Remand Decision pursuant to G.L. c. 40A, § 17. Any such appeal shall comply with the requirements of § 17, shall be filed as a Complaint after Remand or as a motion to amend the complaint in this action, and shall be docketed as part of this action.

The parties shall jointly report to the court on the status of the Remand Request no later than January 2, 2024. The hearing set down for November 28, 2023 is taken off the list.

SO ORDERED

By the Court (Foster, J.) /s/ Robert B. Foster

Attest:

/s/ Deborah J. Patterson
Deborah J. Patterson, Recorder

Dated: October 27, 2023

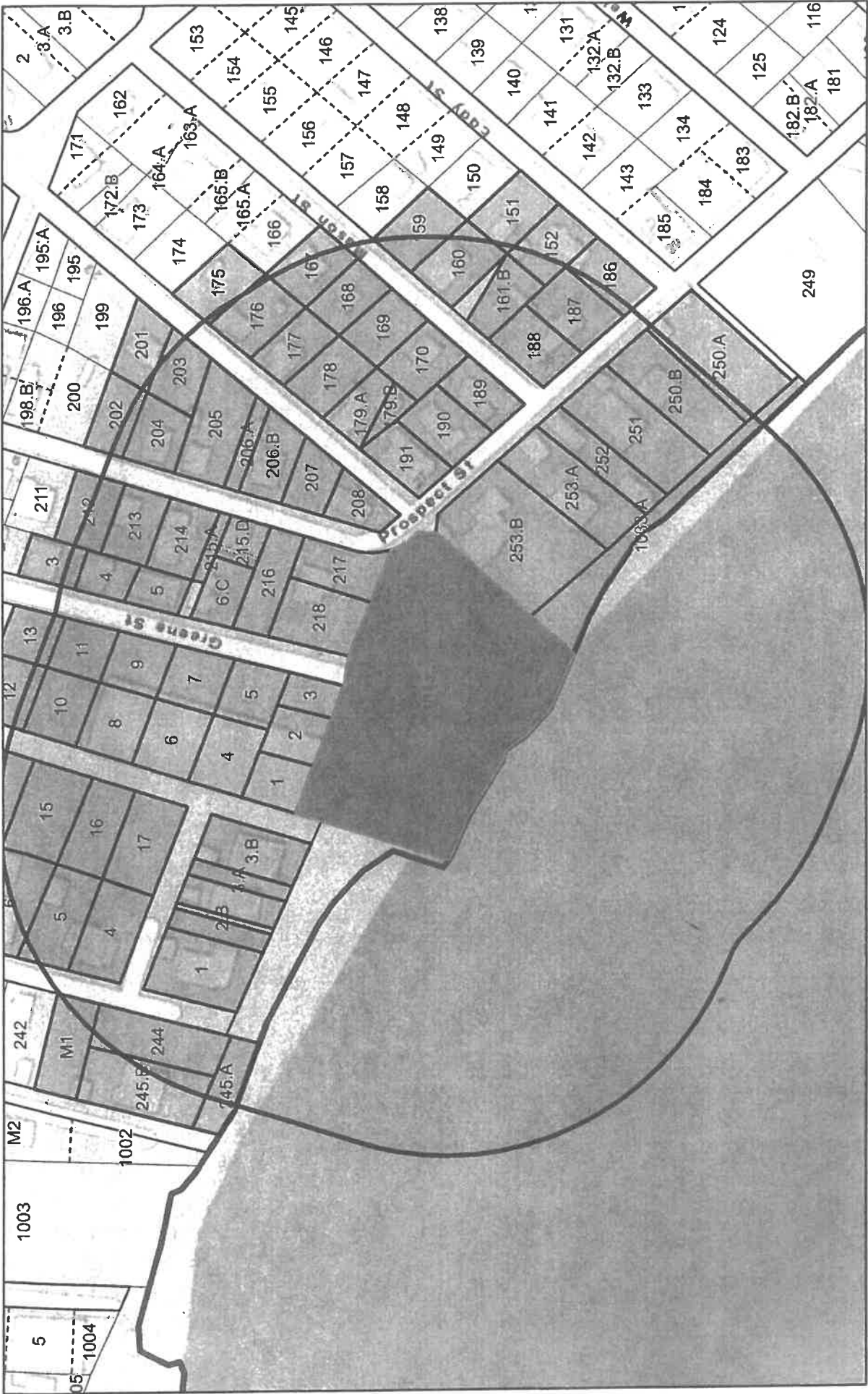
24
abutters

TOWN OF WAREHAM ABUTTERS					
MAP 3 LOT 1014					
OWNER SHM ONSET BAY LLC					
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE	
3A-1-1	URCIUOLI FRANCIS JR, URCIUOLI SALLYANNE	1 MAPLE AVE,	BUZZARDS BAY, MA	02532	
3A-0-1014	SHM ONSET BAY LLC	14785 PRESTON RD STE 795 ✓	DALLAS, TX	75254	
3A-1-2.B	COE JOHN M TRUSTEE, 5 MAPLE AVENUE REALTY TRUST	3 SETTLERS DR, ✓	LAKEVILLE, MA	02347	
3A-1-3.B	KIM EVELYN	9 MAPLE AVE, ✓	BUZZARDS BAY, MA	02532	
3A-1-4	YOUNG TAM TRUSTEE OF TAMMY, REALTY TRUST	23 ROWENA ST,	DORCHESTER, MA	02124	
3A-1-6	MORRISSEY JAMES D, MORRISSEY CAROLYN R TRUSTEE	26 MAPLE ST	BUZZARDS BAY, MA	02532	
3A-3-215.D	SMITH CHRISTINE B,	19 PROSPECT ST, ✓	BUZZARDS BAY, MA	02532	
3A-3-3	PAQUET BICTOR, PAQUET TOBY	43 HOWARD AVE	WILLIAMSVILLE, NY	14221	
3A-3-4	SMITH SHAWN V, SMITH LISA	1 SMELT POND RD	KINGSTON, MA	02364	
3A-3-5	CONDINHO CRAIG,	PO BOX 534,	MARSTONS MILLS, MA	02648	
3A-3-6.C	HEMSLEY-GAKIGIS REBECCA,	12 GREEN ST, ✓	BUZZARDS BAY, MA	02532	
3-0-150	SLAMIN JUDITH R TRUSTEE, SLAMIN FAMILY TRUST OF 2021	35 WASHBURN ST,	NEWTON, MA	02158	
3-0-152	CARADIMOS ELIZABETH E TRUSTEE, 17 EDDY ST NOMINEE REALTY TRUST	17 EDDY ST,	BUZZARDS BAY, MA	02532	
3-0-158	SALERNO JOSEPH M, SALERNO JOAN M	16 MASON ST RFD3,	BUZZARDS BAY, MA	02532	
3-0-161.B	BUSA DONNA MARIE/ CONNELLY BEVERLY A, BUSA DANIEL G ETUX TRS, EUGENE PETER ET UX TRS, BUSA ANTHONY JAMES	180 APPLETREE RD	AUBURN, NH	03032	
3-0-167	CHAVES JOSE B, CHAVES MARIA B TRUSTEES	4 BRETON WOOD RD	HUDSON, MA	01749	
3-0-168	NEVITT MARK S, NEVITT PATRICIA A	91 NORTH ST,	MIDDLEBORO, MA	02346	
3-0-170	GIORDANO JOHN JOSEPH, COSTELLO KIM	19 MASON ST,	BUZZARDS BAY, MA	02532	
3-0-166	RUGGIERO MATTHEW B, RUGGIERO KRISTEN T TRUSTEES	7 EAST MAIN ST,	MIDDLEBORO, MA	02346	
3-0-176	PACCIA MARY LIFE ESTATE,	44 ANDREWS ST,	BUZZARDS BAY, MA	02532	
3-0-177	WEIR ROBERT L JR TRUSTEE, ROBERT L WEIR JR TRUST	44 SPARROW RD,	STOUGHTON, MA	02072	
3-0-178	SCOTT SHERI ROSE,	50 ANDREWS ST,	BUZZARDS BAY, MA	02532	
3-0-179.B	GULLBRANTS MICHAEL F,	54 ANDREWS ST,	BUZZARDS BAY, MA	02532	
3-0-189	TEEHAN JOHN G, TEEHAN MARY ANNE	28 PROSPECT ST,	BUZZARDS BAY, MA	02532	
3-0-190	DOUCET MARYROSE E, C/O MARK A DOUCET	91 RING RD, ✓	KINGSTON, MA	02364	
3-0-201	TENNEY DAWN TRUSTEE, INVESTMENT TRUST	PO BOX 332,	ONSET, MA	02558	
3-0-202	AVELLINO DOMENIC M, AVELLINO JEAN M	PO BOX 1274,	ONSET, MA	02558	
3-0-203	TENNEY DAWN TRUSTEE, TENNEY INVESTMENT TRUST	PO BOX 332,	ONSET, MA	02558	
3-0-205	MURPHY BRENDAN D	PO BOX 714	SOUTH DENNIS, MA	02660	
3-0-207	HIGGINS SHIRLEY A, LIFE ESTATE	18 PROSPECT ST,	BUZZARDS BAY, MA	02532	
3-0-208	GUGGENHEIM HOWARD G, GUGGENHEIM LENAE	22 PROSPECT ST	BUZZARDS BAY, MA	02532	
3-0-211	MCSHEA LORINE,	11 PROSPECT ST	BUZZARDS BAY, MA	02532	
3-0-213	TOPPING LAUREN,	87 WEST ST,	MANSFIELD, MA	02048	
3-0-214	BELO NORMAN G, BELO ELISABETH C	147 PURCHASE ST,	S EASTON, MA	02375	
3-0-217	BIGELOW TIMOTHY E, BIGELOW BARBARA	25 PROSPECT ST,	BUZZARDS BAY, MA	02532	

Duplicate

3-0-250.A	CARADIMOS STEVEN C.	17 EDDY ST,	BUZZARDS BAY, MA	02532
3-0-251	MAGGI JOSEPH F JR, MAGGI MAURA M	121 FARMINGTON AVE,	LONGMEADOW, MA	01106
3-0-252	COMRIE CONNOR E, COMRIE ROSEMARY	26 AMANDA RD,	SUDBURY, MA	01776
3-0-253.A	TRAMONTOZZI FRANK A, TRAMONTOZZI DONNA M	4 PETREL ST	W ROXBURY, MA	02132
3-0-253.B	KALLSTROM JAMES TRUSTEE, JAMES KALLSTROM REV TRUST	575 MINE HILL RD,	FAIRFIELD, CT	06824
3-0-M1	OLSON CLIVE V TRUSTEE, CYC REALTY TRUST	35 MAPLE ST,	BUZZARDS BAY, MA	02532
CERTIFIED ABUTTERS AS THEY APPEAR ON				
OUR TAX ROLLS AS OF 11/8/2023				
<i>by H. Raposo</i>				
ASSESSORS OFFICE				
REQUESTED BY				
SONIA RAPOSO				
508 291-3100 X6500				
SRAPOSO@WAREHAM.MA.US				

ArcGIS Web Map



11/8/2023, 10:25:50 AM

- Parcels with CAMA Data
- Town Line
- Parcel Lines
- Common Line
- PWater
- Property Line
- Public Road
- MiscPolys
- Right of Way

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.09 km

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