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# THE LAW OFFICES OF BELLO & MORTON, LLC

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184 Main Street Wareham, Massachusetts 02571 · 508-295-2522

January 11, 2024

Wareham Zoning Board of Appeals  
54 Maron Road  
Wareham, MA 02571

Re: Special Permit Application/Site Plan Review for Walid Eldayha; Property  
Located at 2544 & 2546 Cranberry Highway, Wareham, MA; Assessor's Map  
1039/A, Lots 1039 & A-1

Dear Members of the Board of Appeals:

Please find enclosed the following information and exhibits:

1. Petitioner:

Walid Eldayha  
392 Ash Street  
W. Bridgewater, MA 02379

2. Record Owner:

Walid Eldayha, Trustee of the 2544 & 2546 Cranberry Realty Trust  
392 Ash Street  
West Bridgewater, MA 02379

3. Current Deed:

Plymouth County Registry of Deeds Book 58133, Page 188, Deed attached as  
Exhibit A.

4. Building Inspector's Denial Letter:

Denial Letter attached here as Exhibit B from the Building Commissioner referencing Appeal to Zoning Board of Appeal is necessary.

5. Certified Abutters List:

Copy Attached as Exhibit C.

Dear Board of Appeals,

I represent Mr. Walid Eldayda and Gateway Auto Clinic in the above captioned case for Special Permit for operation of a motor vehicle service and sales on the property located at 2544-2546 Cranberry Highway. My clients are requesting the Zoning Board conduct the Site Plan review as the SPGA.

Background:

My clients purchased the property from Marcalice, LLC in July 2023. Marc's Auto and Towing being the prior owners operated a motor vehicle service and towing there since 2016. Prior to 2016, the location was a NAPA Auto Parts retail store.

Unfortunately, the prior ownership did not acquire the proper Special Permits for change of use necessary and now my clients are in the position to appeal to the Board for these. Since Mr. Eldayda's purchase of the property until December 2023 – he believed he was operating a preexisting grandfathered use.

That being said, we are fully cooperative with the Building Commissioners notice. My client has engaged G.A.F. to prepare the necessary items for the Site plan Review. Once completed we will submit for the site plan review portion of the appeal.

The By-Laws:

Article 3: Use Regulations, 320 Table of Principle Uses Regulations articulates that the principal uses of Motor Vehicle Service and Motor Vehicle Sales require a Special Permit from the Zoning Board of Appeals.

Special Permits are governed by: Section 1460 and 1461 of the By-Law

*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*

Special Permit Standard Applied:

My client seeks to have both Motor Vehicle Service and Motor Vehicle Sales on the site. Using the criteria above we argue the following:

1. The Use of motor vehicles service and motor vehicle sales will not adversely affect the neighborhood (As explained in the background the use has been operating since 2016).
2. This site is appropriate for the use of motor vehicles sales and service as it is located in a commercial area right near other businesses and the traveled road of Cranberry Highway.
3. There will not be any nuisances to pedestrians as this not a walked highway on this side and vehicles have plenty of room to put into the shop.
4. There are adequate and appropriate facilities for the use – the use does not change any sewer allocation or affect drinking water supply wells etc.
5. The use of motor vehicle sales and service does not pose a substantial detriment to the town of neighborhood as this a commercial area and only serves to increase business in Wareham and serve its residents for a necessary service.
6. The proposal conforms to the other provisions of the by-law and we are seeking the appropriate site plan review as stated prior.

All things considered, we ask the Board to initially review the Special Permits for the Uses and then consider the review of the Site Plan once plans and Stormwater management etc are completed. We ask the Board to approve the Special Permit Uses of Motor Vehicle Service and Motor Vehicle Sales for our site.

Respectfully submitted,



JULIAN A. MORTON, ESQ.

508-295-2522

TOWN OF WAREHAM  
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o Submit completed form, packets, and appropriate fees\*\* to the Zoning Board of Appeals secretary.

\*\*Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

\*\*A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$100.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 2544 & 2546 Cranberry Hwy LOT: 1039 & A-1 MAP: 109/A  
ZONING DISTRICT: CS

USE REQUESTED: Motor vehicle service and sales

OWNER OF LAND & BUILDING: Walid Eldayha, Trustee TEL.# \_\_\_\_\_

ADDRESS OF OWNER: 392 Ash Street, W. Bridgewater, MA 02379

PERSON(S) WHO WILL UTILIZE PERMIT: Walid Eldayha

ADDRESS: 392 Ash Street, W. Bridgewater, MA 02379

DATE: 1/11/24 SIGNATURE: 

This application was received on the date stamped here:

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

Tax Collector: Danielle Cambria Date: 1-11-2024

Planning/Zoning Dept.: Sonia Raposo Date: 1-18-24

Application fee paid: 750.00 Check #: 5321 Receipt: \_\_\_\_\_

Advertising fee paid: 150.00 Check #: 5320 Receipt: \_\_\_\_\_

Abutters fee paid: 20.16 Check #: 5326 Receipt: \_\_\_\_\_

RECEIVED

JAN 23 2024

TOWN OF WAREHAM  
BOARD OF HEALTH

WAREHAM TOWN CLERK  
2024 JAN 23 4:12:04

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One:  Variance  Special Permit  Site Plan  Appeal

Date stamped in: \_\_\_\_\_ Date decision is due \_\_\_\_\_

Applicant's Name: Walid Eldayha

Applicant's Address: c/o Jilian Morton, Esq., 184 Main St., Wareham, MA 02571

Telephone Number: 508-295-2522

Cell Phone Number: \_\_\_\_\_

Email Address: jam@mortonlawllc.com

Address of Property/Project: 2544 & 2546 Cranberry Highway, Wareham, MA

Landowner's Name: Walid Eldayha, Trustee of the 2544 & 2546 Cranberry Realty Trust

Owner's Address: 392 Ash Street, W. Bridgewater, MA 02379

Telephone Number: N/A

Contact Person: Jilian Morton, Esq. Telephone Number: 508-295-2522

Map 109/A Lots 1039 & 1-A Zone CS

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Comments: \_\_\_\_\_

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



ENGINEERING,  
INC.

ENGINEERS  
SURVEYORS

January 29, 2024

Attn: Mr. Kenneth Buckland, Director of Planning and Economic Development  
Town of Wareham Zoning Board of Appeals  
54 Marion Road  
Wareham, MA 02571

Re: Special Permit/Site Plan Review – 2546 Cranberry Highway  
Gateway Auto Clinic  
Map 109A Lots 1039 & A  
**G.A.F. Job No.: 24-10120**

Dear Zoning Board of Appeals Members,

G.A.F. Engineering, Inc., on behalf of our client, Gateway Auto Clinic, hereby submits the following materials in support of the application for Site Plan Review/Special Permit. A Special Permit Application is required to request a change in use requiring ten (10) or more parking spaces (Article 15: Site Plan Review).

- Plan to Accompany Special Permit Application dated January 29, 2024.  
(3 full size and 7 half size sets)
- Project Narrative and Impact Assessment Report
- Application for Site Plan Review

The project consists of repurposing the use of the premises for motor vehicle sales and service. Proposed site work is strictly limited to re-striping the handicap spaces in front of the office portion of the building and the installation of bollards for the handicap parking space signs.

Please contact me directly if you have any questions.

Sincerely,

William F. Madden, P.E.  
[bill@gafenginc.com](mailto:bill@gafenginc.com)

WFM/jlc

Enclosures

cc: Gateway Auto Clinic

266 MAIN ST.  
WAREHAM, MA 02571

TEL 508.295.6600  
FAX 508.295.6634

# **Project Narrative & Impact Assessment Report**

For

## **“Site Development Plan”**

Map 109A Lots 1039 & A  
2544 & 2546 Cranberry Highway  
Wareham, MA

Prepared for

### **Gateway Auto Clinic**

2546 Cranberry Highway  
Wareham, MA 02571

Prepared by

### **G.A.F. Engineering, Inc.**

266 Main Street  
Wareham, MA 02571

**January 29, 2024**

**G.A.F. Job No.: 24-10120**

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## **Project History**

The subject property is developed with a building and parking lot which was utilized for retail sales of automobile parts for many years. The current owner purchased the property in July 2023 with the intent of repurposing the property for motor vehicle sales and service.

## **Project Site**

The project site is comprised of Lot 1039 and Lot "A" as shown on Assessors Map 109A with a total area of approximately 7.23 acres. The lots have a total of 223' of frontage on the north side of Cranberry Highway (Route 28). The developed portion of the lot is located within 240' from the layout of the highway. The existing commercial building contains 6,300 square feet in total which includes offices, storage areas, and vehicle service bays.

The building is accessed from a single paved driveway that intersects Cranberry Highway on the east side of the building. A five-space parking lot is located between the building and the highway. Thirty spaces are located on the east side of the building which will be used for employees, vehicles being serviced, and those displayed for sale.

This property is lower than Cranberry Highway. Drainage from the parking lot and building are collected in several leaching catch basins and infiltrated on site.

There are wetlands present on the northern portion of the property which are in the vicinity of cranberry bogs on the adjacent property. The jurisdictional wetlands are located more than 100 feet away from the proposed activities associated with the new use of the property.

## **Project Description**

The project consists of repurposing the existing building for use as a motor vehicle sales and service business. Prior use of the property includes retail sales of automobile parts. The building currently has three vehicle service bays. Proposed site work consists solely of striping for the handicap spaces in front of the office portion of the building and the installation of bollards for the handicap space signs.

There is no need or desire to modify the existing site access, parking configuration, or utilities services.

There are no plans at this time to alter the limits of the developed areas on the lot.

## **Environmental Impact Statement - Impacts and Mitigation**

### **Town Services**

There is no anticipated increase in demand for municipal services in association with this project. Motor vehicle sales and service is consistent with prior uses of the property.

Mitigation: None required.

### **Water System**

The building is serviced with municipal water. The new use will not result in an appreciable change in water consumption.

Mitigation: None required.

### **Sanitary Sewer System**

The building is connected to an existing on-site subsurface sewage disposal system. There are no connections to the municipal sewer system.

Mitigation: None required.

### **Parks and Recreation**

The project does not take away lands currently used as parks or for recreation. It will not create a need for additional recreation space or impact the Town's inventory of parks and recreation areas.

Mitigation: None required.

### **Police Protection**

The Town of Wareham Police Department and Massachusetts State Police currently patrol Cranberry Highway periodically and in response to specific calls. Access to the site is provided from Cranberry Highway. The proposed use of the facility does not create an increased risk of crime. No increase in the frequency of patrols is anticipated.

Mitigation: None required.

## Fire Protection

The project utilizes the existing building and parking lot with no increase in size. There is an existing hydrant within 200 feet to the east of the access drive to the parking lots. The existing access drive and parking lots provide sufficient space for circulation and access to the facility.

Mitigation: None required.

## Schools

The proposed use will not generate additional demands on the school department as the project will not add students to the school system.

Mitigation: None required.

## Traffic

The Institute of Traffic Engineers provides a reference for Average Vehicle Trip Ends for Automobile Parts Sales (843) and Automobile Care Center (942). The range of rates listed for the two uses are essentially equivalent for both the morning and afternoon peak hours. No increase in available floor space or parking is proposed as part of this project.

Since the project is very similar with respect to traffic when compared to prior uses, no further evaluation of traffic impacts is proposed.

Mitigation: None required.

## Ecology of the Site

### Land

This property is 7.23 acres of land in total area. The developed portion of the lot in proximity to Cranberry Highway occupies approximately 1.0 acre of the parcel. No new land disturbance or tree clearing is proposed as part of the project.

Mitigation: None required.

## Surface Water

There are no surface waters on site. The topography of the land is lower than Cranberry Highway. Stormwater from the developed area of the property is collected and infiltrated in several leaching catch basins installed in the parking lots. The

topography for the wooded, undeveloped portion of the property slopes to the north. Runoff is directed to onsite wetlands and the cranberry bogs on the adjacent property. The existing surface runoff characteristics will remain unchanged.

Mitigation: None required.

### Groundwater

This project does not include any proposed earthwork or increase in impervious surfaces. The present drainage system includes leaching catch basins within each parking area. Approval of the project will result in no change in groundwater levels or characteristics.

Mitigation: None required.

### Air Quality

The proposed change in use will not alter air quality when compared with the similar prior uses of the facility.

Mitigation: None required.

### Noise

The facility will operate during normal business hours as established by the Town of Wareham for motor vehicle sales and service businesses. No new construction or site alterations are proposed.

Mitigation: No mitigation required.

### Wetlands

There are several wetland systems on the north end of the property which are over 100 feet from the developed portion of the lot. No land disturbance is associated with the requested change in use. A Request for Determination of Applicability will be filed with the Wareham Conservation Commission for the project as required under Site Plan Review.

Mitigation: No mitigation required.

## Wildlife

There will be no impact to wildlife since the project does not include any tree clearing, land disturbance, or restrictions to wildlife movements.

Mitigation: No mitigation required.

## Rare Species

The site is not located within a mapped Estimated Habitat or Priority Habitat of Rare Species as determined by the Natural Heritage Endangered Species Program.

Mitigation: None required.

**APPLICATION FOR SITE PLAN REVIEW**

Applicant: Name: Gateway Auto Clinic  
Mailing Address: 2544 Cranberry Highway, Wareham, MA 02571

Telephone: 617-794-5001

Project: Street & Number: 2544 & 2546 Cranberry Highway

Assessor's Map: 109A Lot(s): 1039 & A

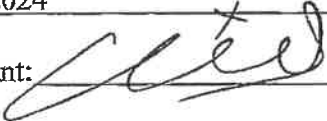
Dwelling Units #: N/A

Parking Spaces #: 35


Acres: 7.23 Square feet commercial space: 6,300 SF ±

Briefly describe project:  
The project consists of repurposing the existing building and site as a motor vehicle sales and motor vehicle service.

Date: January 25, 2024

Signature of Applicant: 

**\*Signature of approval needed from Treasurer-Collector prior to processing application**

Treasurer-Collector:  Date: 1-24-24

## APPLICATION FOR SITE PLAN REVIEW

### List of Abutters:

Please list the names of all abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list.

2516 Cranberry Highway LLC - 2516 Cranberry Highway Wareham, MA 02571

David Jacob Thompson, Charlene Ann Thompson - 2532 Cranberry Highway Wareham, MA 02571

Peter M Galavotti – P.O. Box 52 West Wareham, MA 02576

James M Munise – 2526 Cranberry Highway Wareham, MA 02571

Edwin R Harris Jr – 2530 Cranberry Highway Wareham, MA 02571

Edward P Dutton III, Emily S Weatherbee – 2528 Cranberry Highway Wareham, MA 02571

Alina H Corp – 2537 Cranberry Highway Wareham, MA 02571

Tremont Landlord LLC – 135 South Road Farmington, CT 06089

Cranberry Crossing Realty Group LLC – P.O. Box 1499 Westport, MA 02790

WSC Realty LLC, c/o APS – 2527 Cranberry Highway Wareham, MA 02571

Micheal J Crowe III, Joyce E Crowe – 2527 Cranberry Highway Wareham, MA 02571

Danforth William Davis, Virginia Elizabeth Davis – 609 Main Street Wareham, MA 02571

Jason Regan C – P.O. Box 281 Sagamore, MA 02561

Wareham Fire District – 2550 Cranberry Highway Wareham, MA 02571

A D Makepeace Company – 158 Tihonet Road Wareham, MA 02571

## SITE PLAN REVIEW CHECKLIST

Plans shall be prepared by a registered architect, landscape architect, or Professional Engineer. 14 complete sets are required with the following information included:

### 1. GENERAL INFORMATION

- Developer name, address, telephone number
- Property owner name, address, telephone number, legal relationship between developer and property owner
- Date of application
- Statement briefly describing project
- Locus map (1" = 2,000')
- Location of property to surrounding area (this plan shall show at a scale of not less than 1" = 100' the general characteristics of all lands within 200' of the proposed site and shall include structures, parking areas, driveways, pedestrian ways and natural characteristics)
- Zoning district (square feet within each district if more than one district)
- Total area of project in square feet to include wetland and 100 year flood plain (both in square feet)
- All contiguous land owned by the applicant or by the owner of the property. At the discretion of the Planning Board photographs of the site at size 8" x 10"

### 2. EXISTING FEATURES

Plans shall be accurately drawn to a scale of 1" = 20', 1" = 40', or 1" = 100' where practical and appropriate to the size of the proposal and shall show all existing natural, manmade, and legal features of the site. Such plans are to include but not be limited to the following:

- Tree line of wooded area
- Individual trees 18" dbh or over
- Bogs or agricultural areas



- All wetlands protected under CMR 10.02 (1) (a-d)
- Flood plain (100 years) with base flood elevation data
- Contour lines (2' intervals)
- General soil types

## 2b. EXISTING MANMADE FEATURES

- Vehicle accommodation areas
- Street, roads, private ways, walkways
- Curbs, gutters, curb cuts, drainage grates
- Storm drainage facilities, including manholes
- Utility lines, including water, sewer, electric, telephone, gas, cable TV
- Fire hydrants and location of dumpsters
- Building, structures, and signs (free standing), including dimensions of each
- Existing light fixtures

## 2C. EXISTING LEGAL FEATURES

- Zoning of property (district lines)
- Property lines (with dimensions identified)
- Street right of way lines
- Utility or other easement lines
- Monuments

## 3. THE DEVELOPMENT PLAN

The development plan shall show proposed changes in the (a) existing natural features; (b) existing man made features and (c) existing legal features.

The Development Plan shall include:

- N/A Square feet in every new lot
- Lot dimensions
- Location and dimensions of all buildings and free standing signs as well as the distances from all buildings to lot lines, streets, or street right of way
- Building elevations (side, front, and back for a typical unit) showing building height and any proposed wall signs
- N/A Location, dimensions, and designated use for all recreation areas
- N/A Location and dimension of all open space; indicate whether open space is to be dedicated to public use or to remain private
- Streets (including street names) which conform to the design standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land
- Curbs and gutters, curb cuts, drainage grates
- Drainage facilities including manholes, pipes, drainage ditches, and retention ponds
- N/A Sidewalks and walkways showing widths and materials
- Outdoor illumination with lighting fixture size and type identified
- Utilities; water, sewer, electric, telephone, gas, cable TV
- Fire hydrant location
- Dumpster (trash collection facilities)
- N/A New contour lines resulting from earth movement (at 2' intervals) and indications of types of ground cover and other precautions to stabilize slopes
- Vehicle parking, loading, and circulation areas showing dimensions
- Proposed new plantings by size and location or construction of other devices to comply with screening and shading requirements

#### 4. IMPACT STATEMENT

In order to evaluate the impact of the proposed development to Town services and the welfare of the community, there shall be submitted an impact statement in two parts.

All applicable Town services including but not limited to schools, sewer services, water systems, parks, fire, and police.

The roads in the immediate vicinity of the proposed development (including an estimate of both peak and average daily counts)

The ecology of the area within the site and any significant off-site impacts

Part Two shall describe what actions have been taken to mitigate the impacts described in Part One

This application constitutes the applicant's willingness to work under the Town of Wareham's Zoning Bylaws. Any errors or omissions from this checklist or the Zoning Bylaw may result in the application not being placed on a Planning Board Agenda or denial of the Site Plan.

Town of Wareham Site Plan Review  
Application Checklist

**Applicability:** All new commercial and/or industrial structures or developments, multiple Family dwellings, apartment houses, changes in use, reconstruction, alteration, or extension of Existing uses, structures and/or developments. All developments of any type (i.e. subdivision) on 30 acres or greater.

**Name of Site:** Gateway Auto Clinic                      **Date:** January 29, 2024

**Owner(s):** 2544 & 2546 Cranberry Realty Trust

**Address:** 392 Ash Street, West Bridgewater, MA 02379

**Telephone Number:** 617-794-5001

**Developer(s):** 2544 & 2546 Cranberry Highway Realty Trust

**Address:** 392 Ash Street, West Bridgewater, MA 02379

**Telephone Number:** 617-794-5001

**Relationship between Developer & Property Owner:** Owner is developer

**Surveyor:** G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571

**Engineer:** G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571

**Architect:** \_\_\_\_\_

**Landscape Architect:** \_\_\_\_\_

ITEM	COMPLETED
Application filed with Planning Board and Zoning Board (in case of Special Permit)	X
Copy filed with Town Clerk	X
Preliminary plan and supplementary materials (14 copies)	
Filing fee	X
GENERAL INFORMATION	
Developer Name, address, telephone number	X
Property Owner Name, address, telephone number	X
Date of Application	X
Statement briefly describing project	X
Locus Map (1" = 2000')	X
Location of property to surrounding area (scale should be no less than 1" = 100') and general characteristics of all lands within 200' of the proposed site including	X
Structures, parking areas, driveways, pedestrian ways, and natural characteristics	X
Zoning district (sq. feet within each district if more than one)	X

Total area of project to include wetland and 100 year floodplain (both in sq. feet)	N/A
All contiguous land owned by the applicant or by owner of property	X
Photographs of site (8" by 10") – at discretion of Permitting Authority	
<b>EXISTING FEATURES</b>	
(Scale 1"=20', 1"=40', or 1"=100' where practical and appropriate to the size of the proposal) Must include at minimum the following:	
<b>1. Existing Natural Features</b>	
a. Tree line of natural area;	X
b. Individual trees 18" dbh or over;	
c. Bogs or agricultural areas;	N/A
d. All wetlands protected under 310 CMR 10.02 (1) (a-d); floodplain (100 year) with base flood elevation data;	X
e. Contour lines (2' intervals);	X
f. General soil types.	N/A
<b>2. Existing Man-Made Features</b>	
a. Vehicle accommodation areas; streets, roads, private ways, walkways;	X
b. Curbs, gutters, curb cuts, drainage grates;	X
c. Storm drainage facilities including manholes;	X
d. Utility lines including water, sewer, electric, telephone, gas, cable TV;	X
e. Fire hydrants and location of dumpsters;	X
f. Buildings, structures, and signs (free standing) including dimensions of each;	X
g. Exterior lighting features.	X
<b>3. Existing Legal Features</b>	
a. Zoning of property (district lines);	X
b. Property lines (with dimensions identified);	X
c. Street right-of-way lines;	X
d. Utility or other easement lines;	X
e. Monuments.	X
<b>DEVELOPMENT PLAN</b>	
Proposed changes to existing natural features, existing man-made features, and existing legal features including the following:	
• Area of each new lot in square feet;	N/A
• Lot dimensions;	X
• Location and dimensions of all buildings and freestanding signs as well as the distances from all buildings to lot lines, streets, or street;	X
• Location, dimension, and designated use for all recreation areas;	N/A
• Location and dimension of all open space (indicate whether such open space is to be dedicated to public use or to remain private);	N/A
• Streets (including street names) which conform to the design standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land;	N/A
• Curbs and gutters, curb cuts, drainage grates;	X
• Drainage facilities including manholes, pipes, drainage ditches, and retention ponds;	X
• Sidewalks and walkways showing widths and materials;	X

• Outdoor illumination with lighting fixture size and type identified;	N/A
• Utilities- water, sewer, electric, telephone, gas, cable TV;	X
• Fire hydrant locations;	N/A
• Dumpster (trash collection facilities);	X
• New contour lines resulting from earth movement (2' intervals) and indication of types of ground cover and other precautions to stabilize slopes;	N/A
• Vehicle parking, loading, and circulation areas showing dimensions and layout of parking spaces, travel lanes, aisles, and driveways;	X
• Proposed new plantings by size and location or construction of other devices to comply with screening and shading requirements.	N/A
<b>IMPACT STATEMENT</b>	
<b>Part One:</b> Description of impact of proposed development on all applicable town services including but not limited to schools, sewer service, water system, parks, fire, and police protection; roads in the immediate vicinity of proposed development (include estimate of both peak and average daily traffic count); and the ecology of the area within the site and any significant off-site impacts.	X
<b>Part Two:</b> Description of actions that have been taken to mitigate the impacts described in part one.	X

**TOWN OF WAREHAM  
ANR/SUBDIVISION/SITE PLAN REVIEW FORM**

Check one:            ANR \_\_\_\_\_ Form B \_\_\_\_\_ Form C \_\_\_\_\_ Site Plan Review   X  

Date stamped in \_\_\_\_\_ Date decision in due \_\_\_\_\_

Applicant's name(s)   Gateway Auto Clinic  

Applicant's address   2546 Cranberry Highway, Wareham, MA 02571  

Telephone number   617-794-5001  

Address of property   2544 & 2546 Cranberry Highway  

Landowner's name   2544 & 2546 Cranberry Highway Realty Trust  

Owner's address   392 Ash Street, West Bridgewater, MA 02379  

Telephone number   617-794-5001  

Contact person   William F. Madden, P.E.   Telephone   508-295-6600  

Map #   109A   Lot #   1039 & A   Zone   General Commercial (CG)  

Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

Comments (state reasons for denial or stipulations of approval)

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Conditions for: \_\_\_\_\_

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

**RECORD OF PLANNING BOARD PROCEEDINGS AND DECISIONS**  
**Town of Wareham Zoning Board**

Name of Subdivision or Project: \_\_\_\_\_  
\_\_\_\_\_

APPLICATION: FORM A \_\_\_\_\_ FORM B \_\_\_\_\_ FORM C \_\_\_\_\_  
SITE PLAN REVIEW \_\_\_\_\_ OTHER \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_

DATE DECISION IS DUE: \_\_\_\_\_

DATE OF PUBLIC HEARING(S): \_\_\_\_\_

DECISION DATE: \_\_\_\_\_

DATE DECISION SENT TO TOWN CLERK: \_\_\_\_\_

DATE APPEALS PERIOD BEGINS \_\_\_\_\_ ENDS \_\_\_\_\_

PLANNING BOARD DECISIONS: (yes or no or abstention) if abstaining, appropriate recusal form should accompany decision.

FORM A:

N. Elkallassi \_\_\_\_\_ J. Eacobacci \_\_\_\_\_ V. Debonise \_\_\_\_\_

R. Semple \_\_\_\_\_ T. Larson \_\_\_\_\_

FORM B:

N. Elkallassi \_\_\_\_\_ J. Eacobacci \_\_\_\_\_ V. Debonise \_\_\_\_\_

R. Semple \_\_\_\_\_ T. Larson \_\_\_\_\_

FORM C:

N. Elkallassi \_\_\_\_\_ J. Eacobacci \_\_\_\_\_ V. Debonise \_\_\_\_\_

R. Semple \_\_\_\_\_ T. Larson \_\_\_\_\_

SITE PLAN:

N. Elkallassi \_\_\_\_\_ J. Eacobacci \_\_\_\_\_ V. Debonise \_\_\_\_\_

R. Semple \_\_\_\_\_ T. Larson \_\_\_\_\_



COMMENTS OR STIPULATIONS ON DECISION: \_\_\_\_\_

\_\_\_\_\_

STREET NAME PROPOSED AND ACCEPTED: \_\_\_\_\_

\_\_\_\_\_

Conditions for: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# EXHIBIT A

\*\*\* Electronic Recording \*\*\*  
Doc#: 00047562  
Bk: 58133 Pg: 188 Page: 1 of 3  
Recorded: 07/27/2023 01:56 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 07/27/2023 01:56 PM  
Ctr# 166804 11799  
Fee: \$6,042.00 Cons: \$1,325,000.00  
\*\*\*\*\*

Property Address:

2544 & 2546 Cranberry Highway  
Wareham, Massachusetts

**QUITCLAIM DEED**

Marcalice, LLC; a Massachusetts Limited Liability Company having a principal place of business in Wareham, Massachusetts

for consideration paid of ONE MILLION THREE HUNDRED TWENTY-FIVE THOUSAND AND 00/100 (\$1,325,000.00) Dollars

grant to Walid S. Eldayha, Trustee of the 2544 & 2546 Cranberry Realty Trust u/d/t dated July 24, 2023 and recorded with the Plymouth County Registry of Deeds herewith, said Trust having a mailing address of 392 Ash Street, West Bridgewater, MA 02379

with Quitclaim Covenants

The land in Wareham, Plymouth County, Massachusetts together with the buildings and improvements thereon, consisting of two parcels situated on the Northeasterly side of Route 28 (Cranberry Highway) bounded and described as follows:

**PARCEL I**

A parcel of land in Wareham, Plymouth County, Massachusetts, bounded and described as follows:

Beginning at a point in the northeasterly line of Route 28 (Cranberry Highway);

Thence **NORTHEAST** by two courses, 122.32 feet and 80.07 feet;

Thence SOUTHWEST 32.94 feet;

Thence SOUTHWEST 200.39 feet to the northeasterly line of Route #28 (Cranberry Highway); and

Thence along the northeasterly line of Route #28, a distance of 30 feet to the point of beginning.

Containing 6,153 square feet, more or less.

PARCEL II

A certain parcel of land in said Wareham, bounded and described as follows:

SOUTHWESTERLY by the northeasterly line of State Highway, Route #28 (Cranberry Highway), 192.53 feet;

SOUTHEASTERLY 435.82 feet;

NORTHEASTERLY by four (4) lines measuring 65.53 feet, 487.95 feet, 452.75 feet and 12.31 feet.

NORTHWESTERLY 171.96 feet and by two (2) lines measuring 78.50 feet and 74.73 feet;

SOUTHWESTERLY by two lines measuring 225.56 feet and 325.07 feet, respectively;

NORTHWESTERLY 212.56 feet;

SOUTHWESTERLY 89.66 feet and again 32.94 feet; and

NORTHWESTERLY 200.39 feet, to point of beginning.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

Said conveyance does not constitute all or substantially all of the Company's assets in the Commonwealth of Massachusetts.

By signing below the Grantor hereby certifies under the pains and penalties of perjury, that the premises conveyed by this deed are not our principal residence and is therefore not homestead property and there are no other persons entitled to homestead rights in said property pursuant to MGL Ch. 188 as amended.

Meaning and intending to convey the same premises conveyed to the Grantor by Deed dated March 29, 2016 recorded March 29, 2016 in the Plymouth County Registry of Deeds in Book 46742, Page 230.

Executed as a sealed instrument this 27th day of July, 2023.

MARCALICE, LLC

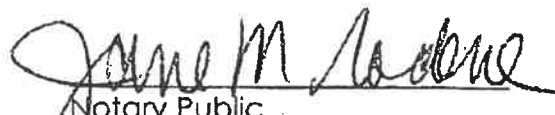
  
\_\_\_\_\_  
Marc Whitney, Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 27th day of July, 2023, before me, the undersigned notary public personally appeared Marc Whitney and proved to me through satisfactory evidence of identification, which was MA Driver's License to be the person whose name is signed on this Deed, and swore or affirmed to me under the penalties of perjury that the contents of this document are truthful and accurate to the best of his knowledge and belief and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed, as Manager of Marcalice, LLC.



  
Notary Public  
My Commission Expires: 10/26/2023

# EXHIBIT B



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

Paul E. Turner  
Director of Inspectional Services

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December 12, 2023

Mr. Walid Eldayha  
392 Ash Street  
West Bridgewater, Massachusetts 02379

**RE: 2544 Cranberry Highway / Map 109A1, Lot 1039**

Mr. Eldayha,

I have reviewed your Change of Use application COU-23-20, submitted December 11, 2023 stating that you would be changing the current retail use to motor vehicle sales and motor vehicle service located at 2544 Cranberry Highway, Wareham, Massachusetts. At this time I must deny your request.

Your application is being denied under the following sections of the Wareham Zoning By-Laws:

**Article 3: Use Regulations, 320 Table of Principle Use Regulations**

**Principle Use, Motor Vehicle Service, CS;**

**Principle Use, Motor Vehicle Sales, CS**

The two proposed uses, motor vehicle service and sales is allowed in the commercial strip zoning district by **Special Permit** only from the Zoning Board of Appeals.

**Article 15: Site Plan Review;**

**1520 Applicability.**

Any new development expansion, or change of use other than a single family or two family residence which would, under the parking schedule "Number of Parking Spaces Required" of section 920, require ten (10) or more parking spaces, regardless of the number of parking spaces existing on the premises, shall be permitted only upon the issuance of a **Special Permit** from the Planning Board for Site Plan Review. In addition any development of any type on 30 acres or greater shall be subject to Section 1510. A Special Permit shall be granted only if the Special Permit Granting Authority finds that it is consistent with the purposes outlined in Section 1510 of this By-Law.

The Special Granting Authority (SPGA) under Section 1510 of this By-Law shall be the Planning Board provided, however, that where the applicable development requires a Special Permit, Comprehensive Permit or Variance from the Board of Appeals, the Special Permit Granting Authority (SPGA) under 1510 of this By-Law shall be the

**Board of Appeals.** Special Permits under this Section 1510 shall be granted only in conformance with this Section 1510 and Section 1450 of the Wareham's Zoning By-Law and the requirements of MGL Chapter 40A, section 9. Applications shall be accompanied by at least fourteen (14) prints of the plans of the proposal.

The proposed use, motor vehicle service is required to provide five (5) parking spots per bay or lift and eleven (11) parking spots for the 2700 square foot office based on;

**Article 9: Parking; 920 Number of Parking Spaces Required,  
921 Table of Parking Regulations,**


**Motor Vehicle Repair; 5 spaces per lift or bay  
Offices; (business, professional and administrative) 1 space per 250 SF GFA.**

The project would require a minimum of thirty-one (31) parking spots for the repair business and a minimum of eight (8) parking spots for the car sales based on your Class II license application.

Therefore, a **Special Permit** must be secured from the **Zoning Board of Appeals** in order to proceed with your application for the **uses and site plan review**.

The subject project is located in the **CS** zoning district.

Respectfully,

  
Paul E. Turner  
Building Commissioner  
Zoning Enforcement Officer

It is the owners' responsibility to check with other departments 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.



# EXHIBIT C

TOWN OF WAREHAM ABUTTERS

MAP 109/A LOTS 1039 + 1-A  
OWNER WALID S ELDAYHA

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
109A-1-1034	2516 CRANBERRY HWY LLC	2516 CRANBERRY HWY,	WAREHAM, MA	02571
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	ELDAYHA WALID S	392 ASH ST	WAREHAM, MA	02379
109A-1-V10	MUNISE JAMES M,	2526 CRANBERRY HWY,	WAREHAM, MA	02571
109A-1-V8.A	HARRIS EDWIN R JR,	2530 CRANBERRY HWY,	WAREHAM, MA	02571
109A-1-V9.A	DUTTON EDWARD P III, WEATHERBEE EMILY S	2528 CRANBERRY HWY,	WAREHAM, MA	02571
109A-2-1041	OM CRANBERRY HWY LLC,	2537 CRANBERRY HWY,	WAREHAM, MA	02571
109A-2-1042	OM CRANBERRY HWY LLC,	2537 CRANBERRY HWY,	WAREHAM, MA	02571
109A-2-1043	TREMONT LANDLORD LLC,	135 SOUTH RD,	FARMINGTON, CT	06089
109A-0-1028	CRANBERRY CROSSING REALTY GROUP LLC,	PO BOX 1499,	WESTPORT, MA	02790
84-0-1038.D1	WSC REALTY LLC, C/O APS	2527 CRANBERRY HWY,	WAREHAM, MA	02571
84-0-1038.D4	CROWE MICHAEL J III, CROWE JOYCE E	2527 CRANBERRY HWY,	WAREHAM, MA	02571
84-0-1039	DAVIS DANFORTH WILLIAM, DAVIS VIRGINIA ELIZABETH	609 MAIN ST,	WAREHAM, MA	02571
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-A	ELDAYHA WALID S	392 ASH ST	WAREHAM, MA	02379
109A-1-A1	WAREHAM FIRE DISTRICT,	2550 CRANBERRY HWY,	WAREHAM, MA	02571
109-0-4	MAKEPEACE COMPANY A D, MAKEPEACE CO A D	158 THONET RD,	WAREHAM, MA	02571

CERTIFIED ABUTTERS AS THEY APPEAR  
ON OUR TAX ROLLS AS OF 12/20/2023

*W. Rami Oliveira*  
ASSESSORS OFFICE

REQUESTED BY  
CHERYL SILVA  
508 295-2522  
CHERYL@MORTONLAWLLC.COM

