

THE COMMONWEALTH OF MASSACHUSETTS

WAREHAM TOWN CLERK  
2024 FEB 5 PM 4:28

Town of Wareham

BOARD OF APPEALS

Petition No. : 57-23  
Book: 48982 Page: 0001  
Date: January 25, 2024

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: SPM Kendrick LLC

Address: 11 Kendrick Road

City or Town: Wareham, MA 02571

Affecting the rights of the owner with respect to land or buildings at 11 Kendrick Road, Wareham, MA  
Assessor's Map 108 Lot 1006J

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Special Permit and/or 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 W. Carolecci Chairman  
Clerk

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

No. 57-23

Petition of: Mark St. Jean

Location of Property: 11 Kendrick Road, Wareham, MA

Date of Notification of Hearing: January 4, 2024 & January 11, 2024

Date of Hearing: January 24, 2024

Date of Notification of Decision: January 25, 2023

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

.....  
*James D. Casolacci*  
.....

.....  
.....  
Board of Appeals

**NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS**

**Petition: 57-23**

**Applicant: Mark St. Jean**

**Owner: SPM Kendrick LLC**

**Owner Address: 11 Kendrick Road, Wareham, MA 02571**

**Subject Property Address: 11 Kendrick Road, Wareham, MA 02571**

**Subject Property Parcel ID: Map 108 Lot 1006J**

**Date of Public Hearing: January 24, 2024**

**Date of Notice: January 25, 2024**

**Decision/Reason:**

The Zoning Board of Appeals held a hearing on January 24, 2024 to hear from the applicant and to take testimony regarding the applicant's proposal to manufacture beer on a research and development basis to market the malts produced and imported by Stone Path Malt; the applicant. The Board found that the brewing operation takes a small portion of the floor of the industrial building, and does not substantially affect the principal industrial operation of malt production. Further, it is completely contained within the building and does not require any site changes or cause any external impacts. It is a minor use change without any externalities.

The Board found that the proposed construction could be granted in conformance with section 10 of MGL Chap. 40A, and was not more detrimental to the neighborhood and did not derogate from the intent of the Zoning By-Laws, and so granted the Variance, with the following conditions.

**Conditions:**

1. The change in the space is to be constructed per the plans submitted with the application, entitled "R&D Brewery – Building C."
2. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
3. Any relief not expressly granted hereunder is hereby denied.
4. 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.
5. If substantial use or construction permitted by this Special Permit has not commenced within two years 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 and 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 and any construction performed under the permit may be ordered undone.
6. 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.
7. 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: (5-0-0) By the Wareham Zoning Board of Appeals**

**ZONING BOARD OF APPEALS DECISION SHEET**

**Petition Number: 57-23**

**Petitioner Name: Mark St. Jean**

**Map: 108**

**Lot: 1006J**

**Address: 11 Kendrick Road, Wareham, MA**

**Project: Seeking to obtain a farmer brewer's license. The purpose of the company will be to manufacture beer on a research and development basis utilizing malts produced and imported by Stone Path Malt LLC**

**Special Permit   and/or   Variance   Both (Circle one)**

**Reason for granting/denying the application:**

---

---

---

---

---

---

---

**Conditions:**

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

TOWN OF WAREHAM ABUTTERS

MAP 108 LOT1006/J

OWNERS SPM KENDRIK LLC,

| MAP & LOT       | OWNERS  | STREET ADDRESS                     | TOWN & STATE    | ZIP CODE |
|-----------------|---|------------------------------------|-----------------|----------|
| 108-0-1006.A1   | MAKEPEACE COMPANY A D,                            | 158 TIHONET RD,                    | WAREHAM, MA     | 02571    |
| 108-0-1006.J    | SPM KENDRICK LLC,                                 | 11 KENDRICK RD,                    | WAREHAM, MA     | 02571    |
| 108-0-1006.K1   | SALKOVITZ FAMILY TRUST LLC,                       | 9 ENDRICK RD                       | WAREHAM, MA     | 02571    |
| 108-0-1006.L    | KENDRICK REALTY PARTNERS LLC,                     | 169 MAIN ST,                       | STONEHAM, MA    | 02180    |
| 108-0-1006.M1.1 | STUHLAK RUSSELL, STUHLAK LEONA J                  | 3196 HANGING MOSS CIRCLE,          | KISSIMMEE, FL   | 34741    |
| 108-0-1006.M1.2 | MMDDJSK LLC,                                      | PO BOX 100,                        | WAREHAM, MA     | 02576    |
| 108-0-1006.N    | CHATHAM VILLAGE PARTNERS LLC, C/O LENI J PALAZESI | PO BOX 2144,                       | SANDWICH, MA    | 02563    |
| 108-0-1006.O.1  | WARM WINDS INC,                                   | 18 KENDRICK RD,                    | WAREHAM, MA     | 02571    |
| 108-0-1006.O.7  | L & S FINANCIAL SERVICES LTD,                     | 16 KENDRICK RD,                    | WAREHAM, MA     | 02571    |
| 108-0-1006.Q1   | BTE 6 THATCHER LLC,                               | 7830 W. ALAMEDA AVE, SUITE 103-225 | LAKEWOOD, CO    | 80226    |
| 108-0-1006.R.1  | VON EHRENREICH FAMILY KENDRICK, LLC               | PO BOX 639,                        | WAREHAM, MA     | 02576    |
| 108-0-1006.S    | WOODEN BOAT CENTER INC,                           | 3 THACHER LN,                      | WAREHAM, MA     | 02571    |
| 108-0-1006.T    | WARM WINDS INC,                                   | 18 KENDRICK RD,                    | WAREHAM, MA     | 02571    |
| 108-0-1006.U    | AUCELLO JOHN TRUSTEE, MALDEN FRAME REALTY TRUST   | 10 GRANGE PARK,                    | BRIDGEWATER, MA | 02324    |
| 108-0-1006.V    | GALLANT DAVID J,                                  | 1 WREN TERRACE,                    | WAREHAM, MA     | 02571    |

CERTIFIED ABUTTERS AS THEY APPEAR  
ON OUR TAX ROLLS AS OF 12//6/2023

*H. Renee Atkins*

ASSESSORS OFFICE

REQUESTED BY

MARK STJEAN

508 667-5215

MARK.STJEAN@STONEPATHMALT.COM

# ArcGIS Web Map



12/6/2023, 12:15:49 PM

- Parcels with CAMA Data
- Parcel Lines
- Property Line
- Miscellaneous Lines
- MiscPolys
- Wetland
- Right of Way
- Public Road

