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# THE LAW OFFICES OF BELLO & MORTON, LLC

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

**FILE COPY**

July 29, 2021

Zoning Board of Appeals of Wareham  
Memorial Town Hall  
54 Marion Road  
Wareham, MA 02571

Re: Application for Special Permit/Variance Assessors Map 100, Lots # T10, T11-A  
& T-12A, 2297 & 2299 Cranberry Highway, West Wareham, MA 02576

1. Petitioners:

Soffron Holdings, LLC  
470 Atlantic Ave., Suite 400, Boston, MA 02210

2. Recorded Owner:

Soffron Holdings, LLC  
470 Atlantic Ave., Suite 400, Boston, MA 02210

3. Certified Abutters List:

Copy attached as Exhibit A.

4. Current Deed and Trust Documents:

Plymouth County Registry of Deeds Book 53809, Page 61 (Deed) Exhibit B.

5. Building Inspector's Notice of Violation Letter:

Violation Letter dated July 1, 2021 attached here as Exhibit C from the Building Commissioner referencing Appeal to Zoning Board of Appeal is necessary.

6. Proposed Site Plan:

Attached as Exhibit D is a copy of the Relevant Plan.

7. Photographs:

See the attached Photographs as Exhibit E as accompanying evidence for the allowance of this petition.

8. Letter of Intent

Dear Mr. Chairman,

I represent the applicants Soffron Holdings, Inc. re the above application for a Variance on their proposed construction of three new storage buildings on the parcel of land known as 2297 & 2299 Cranberry Highway here in Wareham.

**Relevant By Law for Relief: Variances**

**1470 VARIANCES**

The Board of Appeals shall have the power to hear and decide applications for Variances from the provisions of the Zoning By-Laws, including the power to grant a Variance authorizing a Use or activity not otherwise permitted in the district in which the land or structure is located. A Variance may be granted when factors relating to soil conditions, lot shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a site or location that previously conformed to zoning requirements. An applicant must demonstrate that a literal enforcement of the By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

**1471 USE VARIANCES**

The Board of Appeals is specifically empowered to grant Variances from the restrictions imposed by this By-Law as to use.

### **Commissioners Denial Letter:**

1. Article 3 Table 320, Industrial Uses- A 40' landscape buffer is required. There is currently a 20' buffer on the proposed plan
2. Article 3, Section 320, Industrial Uses: The "Storage" use is not permitted in the "CS" zoning district.
3. Article 9, Section 910, Administration: Plan needs parking spaces delineated on the plan. The Building Commissioner has determined that three are adequate.

### **Legal Standard as Applied to our case:**

This property is located in the Commercial Strip zoning district in the Town of Wareham. Storage facilities are prohibited in all of the zoning districts. The applicant purchased the land which currently is vacant with a popular food trailer occupying it.

It is his intention to provide the Board with a concept site plan of the buildings he is looking to build. The purpose of these buildings will be to house his boats and collectables. This will not be a commercial storage facility. Nor will there be any residential component to the buildings. The applicant has provided pictures of surrounding buildings similar to the build he is looking to construct on the property.

The use variance should be granted per Section 1471 of our by-law as the Board has deference to decide if this use for the land should be granted. The land is located on Cranberry Highway, a busy commercial area in Town and consists of two adjoining lots. The hardship to the petitioner if not granted is that he will not be able to use the land how he intended to when purchasing it- for storage of his boats and collectibles. His intention is not to build a residential building, not to get rid of the successful food truck but to be able to store his boats on his property. Again this is not for commercial purposes but his own personal and hobby use.

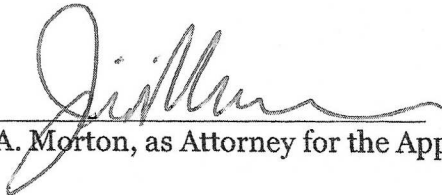
The variance from the landscape buffer is directly related to the trapezoidal shape of the land. The applicant has thoughtfully worked with the engineer in order to construct three separate buildings that meet all other requirements under the by-laws except the landscape buffer. The size of these buildings related to the boats that will be stored there. The proposed site plan notes the barn overhang doors where the boats will be able to be backed into. The separation of the buildings are similarly situated so the boats can be backed in by trailers properly.

The applicant has taken into consideration the surrounding neighborhood. There are residential homes across the street. Accordingly his build will keep with the nature of Cranberry highway and the buildings will be aesthetically pleasing. The intent of the

bylaws is to protect the integrity of the neighborhood by still allowing the property owners to use their land. This build will not increase traffic or derogate from the neighboring properties as this is again not commercial scale storage but personal use.

All things considered, we ask that the Board approve these variances as presented.

Respectfully Submitted

By   
Julian A. Morton, as Attorney for the Applicant



**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 \$80.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.73 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: 2297+2299 Cranberry Hwy MAP: 100 LOT: T10, T-11-A, T-12A  
 ZONING DISTRICT: CS  
 USE REQUESTED: storage for personal use  
 OWNER OF LAND & BUILDING: Soffron Holdings TEL.# 508-295-2522  
 ADDRESS OF OWNER: 470 Atlantic Ave, Suite 400  
 PERSON(S) WHO WILL UTILIZE PERMIT: Timothy Sheehan, Boston MA  
 ADDRESS: same as owner Manager of Soffron Holdings.  
 DATE: 7/29/2021 SIGNATURE: [Signature]  
 This application was received on the date stamped here: as attorney for Applicant

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_  
 Tax Collector: \_\_\_\_\_ Date: \_\_\_\_\_  
 Planning/Zoning Dept.: \_\_\_\_\_ Date: \_\_\_\_\_  
 Application fee paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_  
 Advertising fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ Receipt: \_\_\_\_\_  
 Abutters fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ Receipt: \_\_\_\_\_

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable:  Variance  Special Permit  Site Plan  Appeal

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

Applicant's Name: Soffron Holdings, LLC c/o Attorney

Applicant's Address: 184 Main Street Wareham, MA *Jillian Marton*

Telephone Number: 508-295-2522

Cell Phone Number: N/A

Email Address: jam@martonlawllc.com

Address of Property/Project: 2297 + 2299 Cranberry Hwy

Landowner's Name: Soffron Holdings LLC *West Wareham MA*

Owner's Address: 470 Atlantic Ave, Suite 400, Boston, MA *02210*

Telephone Number: 508-295-2522

Contact Person: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Map 100 Lot T10, T11A, T-12A Zone CS

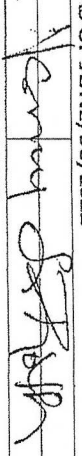
Date Approved \_\_\_\_\_ Date Denied \_\_\_\_\_

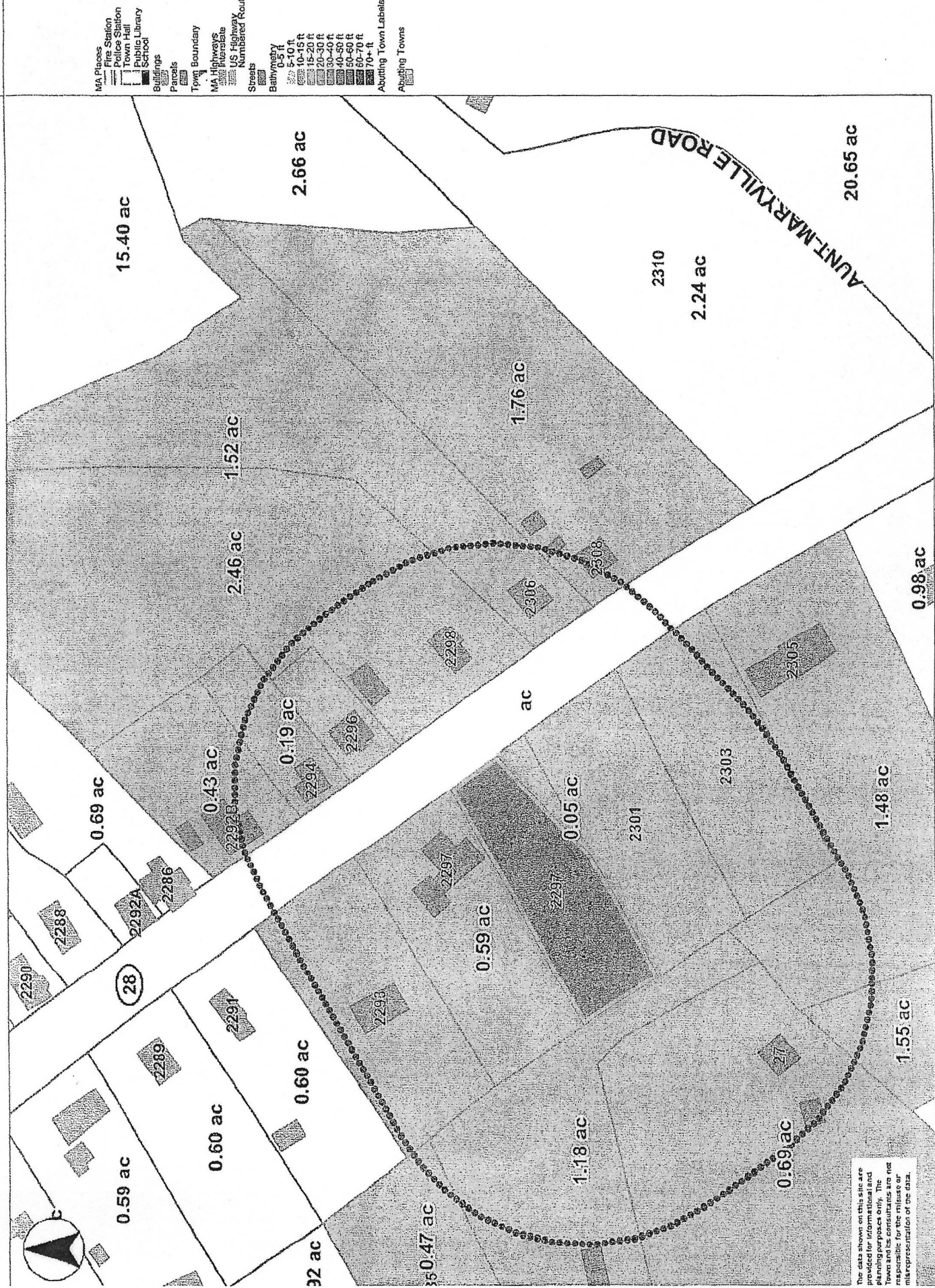
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# EXHIBIT A



TOWN OF WAREHAM ABUTTERS LIST

MAP/LOT	OWNER	CO-OWNER	ADDRESS	CITY	ST	ZIP
100-1046/B	POTTITO GLYNN		37 WEAVER ST	W WAREHAM	MA	02576
100-1046/A	NIGRO ANTHONY III + EVELYN B		33 WEAVER ST	W WAREHAM	MA	02576
102-10008	MONTEIRO DOREEN M	C/O DOREEN M PULLER	252 WEST ST	MANSFIELD	MA	02048
100-T8	ZARAGOZA ROSALINDA		PO BOX 51	W WAREHAM	MA	02576
100-T9	FERNANDES PETER D	C/O CORINNE FERNANDES	2290 CRANBERRY HWY	W WAREHAM	MA	02576
104-1015	FERNANDES PETER D	C/O CORINNE FERNANDES	2290 CRANBERRY HWY	W WAREHAM	MA	02576
100-T12/B	COMMONWEALTH OF MA-DEPT OF	MENTAL HEALTH	C/O DIVISION OF CAPITAL P & O	BOSTON	MA	02108
104-1029/A	FERNANDES CAROLYN		1267 AVONDALE AVE SE	ATLANTA	GA	30312
104-1030	LEGER MELISSA ANN		2292B CRANBERRY HWY	W WAREHAM	MA	02576
102-1002	BEAULIEU KAREN A + ROGER H		2305 CRANBERRY HWY	W WAREHAM	MA	02576
100-T11/B	PETRUSEWICZ JOSEPH P	C/O CHRISTINA LUZAITIS EXEC	3 WARD ST	SO BOSTON	MA	02127
100-T13	COMMONWEALTH OF MA-DEPT OF	MENTAL HEALTH	C/O DIV OF CAPITAL P & O	BOSTON	MA	02108
104-1031	ALMEIDA VALERIE M		2294 CRANBERRY HWY	W WAREHAM	MA	02576-1208
104-1032	HARRIS BRYAN L		2296 CRANBERRY HWY	W WAREHAM	MA	02576
104-1033	COOPERATIVE PRODUCTION INC		P.O. BOX 506	N DIGHTON	MA	02764
104-1035	FILKINS WILLIAM B + JANET I		2306 CRANBERRY HWY	W WAREHAM	MA	02576
104-1037	BARROS KENNETH	ET ALS	2308 CRANBERRY HWY	W WAREHAM	MA	02576
100-1045/B	BARTIE ELAINE M		PO BOX 481	W WAREHAM	MA	02576
ABUTTERS AS THEY APPEAR ON OUR TAX ROLLS						
AS OF JUNE, 30, 2021						
						
ASSESSORS OFFICE						



The data shown on this site are provided for informational and planning purposes only. The user is not responsible for the release or misrepresentation of the data.



# EXHIBIT B

\*\*\* Electronic Recording \*\*\*  
Doc#: 00111665  
Bk: 53809 Pg: 61 Page: 1 of 3  
Recorded: 11/12/2020 02:32 PM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Plymouth District ROD #11 001  
Date: 11/12/2020 02:32 PM  
Ctrl# 140665 23587  
Fee: \$912.00 Cons: \$200,000.00  
\*\*\*\*\*

Property Address: 2297 & 2299 Cranberry Highway, West Wareham, MA 02576

### QUITCLAIM DEED

I, **DEREK REIS**, being married, of 44 Elmwood Road, New Bedford, Bristol County, Massachusetts 02740

for consideration paid, and in full consideration of **TWO HUNDRED THOUSAND and 00/100 (\$200,000.00) Dollars**

grant to **SOFFRON HOLDINGS, LLC**, a Massachusetts Limited Liability Company with a business address of 470 Atlantic Avenue, Suite 400, Boston, Massachusetts 02210

with **QUITCLAIM COVENANTS**,

The land with the buildings thereon, situated in Wareham, Plymouth County, Massachusetts in that part called West Wareham, near England Village, so-called bounded and described as follows:

**BEGINNING** at the northeasterly corner of the described lot at a cement bound standing in or near the south-westerly sideline of the State Highway and near Station No. 48 of said Highway layout of 1923, it also being the southeasterly corner of land of Severine and Francisca Fontes shown as Lot #9 on a plan drawn by George P. Morse, Surveyor, dated September 26, 1929;

Thence South 80° 49' 40" W 257.08 feet in line of said Fontes lot to a cement bound;

Thence South 15° 25' 20" E 224 feet to a cement bound;

Thence North 68° 45' 56" E 253.90 feet to a cement bound standing in or near the southwesterly line of said Highway;

Thence Northwesterly by said Highway 170 feet to the bound first mentioned and point of beginning.

BEING shown as all of Lot #10, and part of Lot #11 and Part of Lot #12 as shown on a plan entitled "Plan of Lots No. 1 to 13, inclusive of Tremont Pond View Trust, Wareham, Mass., surveyed by George P. Morse, Surveyor for the Tremont Pond View Trust, 1929", and recorded with the Plymouth County Registry of Deeds, Plan Book 4, Page 763.

The above named GRANTOR hereby waives any and all rights of homestead which he or his spouse may have in said property and state there are no other persons who have any homestead rights in said property.

For GRANTOR'S title see Deed dated April 13, 2012 and recorded with the Plymouth County Registry of Deeds in Book 41230, Page 277.

[SIGNATURE PAGE TO FOLLOW]



Witness my hand and seal on this 12<sup>th</sup> day of November, 2020

*[Signature]*  
Derek Reis

COMMONWEALTH OF MASSACHUSETTS

Plymouth County, ss

On November 12, 2020, before me the undersigned notary public, personally appeared Derek Reis, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.



*[Signature]*  
Notary Public: Julian Morton  
My commission expires: 9/30/2022

# EXHIBIT C



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Building Commissioner

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Soffron Holdings, INC.  
470 Atlantic Ave, Suite 400  
Boston, MA 02210

July 1, 2021

**RE:** Map # 100, Lots # T10, T11-A, & T-12-A

I have reviewed your proposal to construct three new storage buildings on the parcel of land known as 2297 & 2299 Cranberry Highway. Your proposal is not in compliance with the zoning regulations in place for the "Commercial Strip" zoning district and must be denied at this time.

You have submitted an application to construct two 50' x 80' storage buildings toward the rear of the property, and one 40' x 124' storage building closer to the road. The buildings are in compliance with dimensional regulations, however, the use is not permitted as of right in the zoning district. The plan fails to outline parking spaces as well as the required buffer zone from residential uses. You must secure a variance for the use of the building, as well as an additional variance for the removal and/or reduction in the required buffer zone. Finally, a variance is required for the elimination of required parking.

The submitted permit application which includes a site plan by J.C. Engineering labeled "Job no 5386" comprised of one page, dated May 26, 2021 is being denied under the following sections of the Wareham Zoning By-law:

- **Article 3, Table 320, Industrial Uses:** A 40' landscape buffer is required between residential and Industrial uses. The lack of buffer requires a variance from the Zoning Board of Appeals.

- **Article 3, Section 320, Industrial Uses:** The “Storage” use is not permitted in the “CS” zoning district. A Use variance is required from the Zoning Board of Appeals.
- **Article 9, Section 910, Administration:** After reviewing the proposal, I have determined that three parking spaces is sufficient for this site; however, there are no parking spaces outline on the provided plan. The elimination of parking spaces requires a variance from the Zoning Board of Appeals.

The subject structure is located in the “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.**

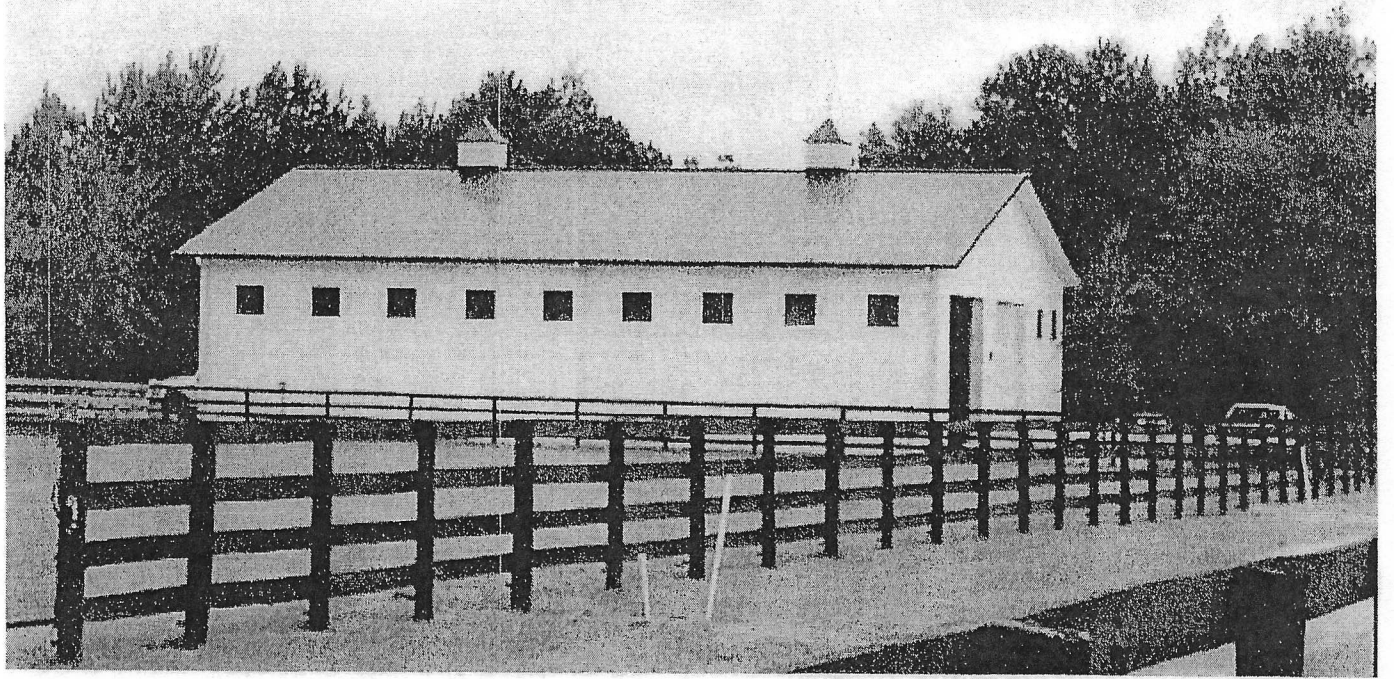
**In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.**



# EXHIBIT D

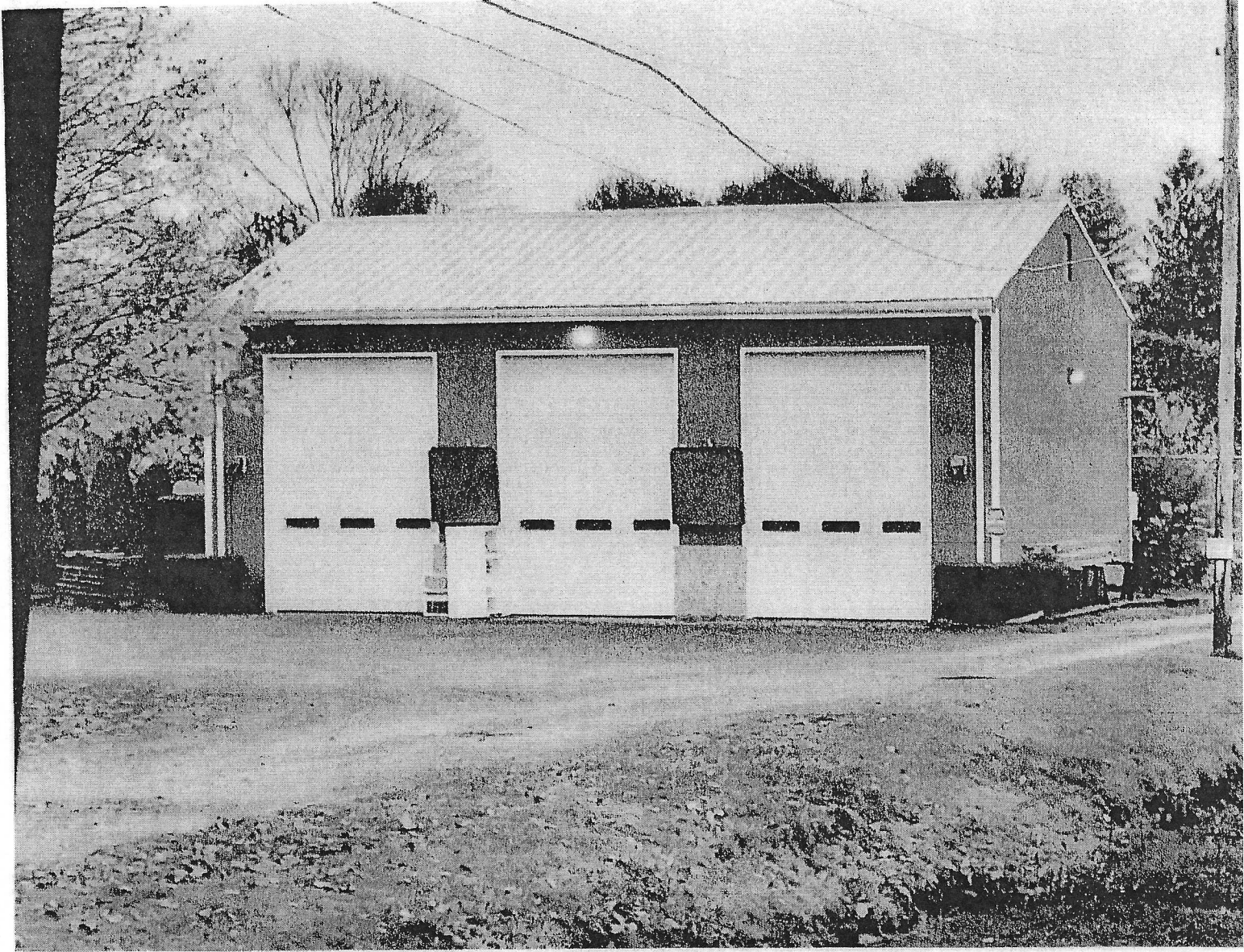


# EXHIBIT E



"Proposed type buildings"





①

1-4 pictures of structures 1/2  
mile from our location,





②



③





4