

RECORDED
PLIMOUTH COUNTY REGISTER OF DEEDS

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wareham

BOARD OF APPEALS

*** Electronic Recording ***

Doc#: 00053243

Bk: 56959 Pg: 96 Page: 1 of 9

Recorded: 06/27/2022 12:38 PM

ATTEST: John R. Buckley, Jr. Reg

Plymouth County Registry of Deeds

Petition No: 8-22

Book: 3641

Page: 0370

Date: 05/11/2022

Certificate of Granting Variance/Site Plan Review
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Wareham hereby certifies that a Variance/Site Plan Review has been granted:

To: David Sergi

Address: 21 Patterson Road, Suite G

City or Town: Wareham, MA 02576

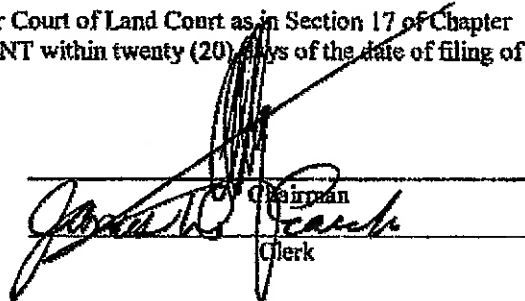
Affecting the rights of the owner with respect to land or buildings at 8 & 10 Charge Pond Road, Wareham, MA 02571, Assessor's Map 110 Lot 1035 & 1076

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to grant a Variance/Site Plan Review 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.

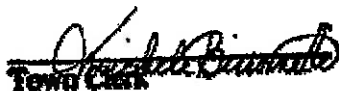
The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days 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.

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 40A of the General Laws of the Commonwealth of Massachusetts General Laws.


Chairman
Clerk

6/27/2022


Town Clerk

WAREHAM
2022

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

No. 8-22

Petition of: David Sergi

Location of Property: 8 & 10 Charge Pond Road, Wareham, MA 02571

Date of Notification of Hearing: March 24, 2022 & March 31, 2022

Date of Hearing(s): April 13, 2022 & May 11, 2022

Date of Notification of Decision: May 11, 2022

DECISION: See attached

REASON:

Name and Address of Abutting Owners: Certified Abutters List Attached

I hereby certify that 20 days have elapsed after the decision was filed in the office of the Town Clerk of Wareham and no appeal has been filed in accordance with Section 17, Chapter 49 A of the Massachusetts General Laws.

6/27/2022

Town Clerk

James P. ...
Michelle Bissonette
Veronica DeBorja

**TO: ZONING BOARD OF APPEALS
TOWN OF WAREHAM, MA**

**RE: DECISION ON APPLICATION FOR 8-22 David Sergi - Variance/Site Plan
Review - 8 & 10 Charge Pond Road, Wareham MA**

**PETITIONER: David Sergi, 21 Patterson Brook Road, Suite G, West Wareham, MA
02576**

The Petitioner was before the Zoning Board of Appeals on April 13, 2022, and decision rendered regarding the approval of Variance for the use on the parcels known as 8 & 10 Charge Pond Road. Pursuant to a Denial Letter issued by the Building Commissioner dated February 8, 2022, who determined that the Petitioner's request to build a 6050 square foot metal building comprising a 1250 square foot office area is not a permitted use in the Commercial General (CG) and/or R-60 zones in which these parcels are located. The Building Commissioner further indicated the use sought by the Petitioner (operation of a full-service landscape business and office) was an Industrial use in his opinion. In addition, the Commissioner said there needed to be a Variance for the Landscape Buffer, as a 40' buffer is required between Industrial, and residential uses if one cannot be provided. The Petitioner appealed to the Wareham Zoning Board of Appeals.

The Board heard the Petitioners case as represented by Counsel and Engineer present and the Board disagreed with the Building Commissioner's determination that the use was Industrial but found that the use was Commercial as the property was being as headquarters for the landscape company and had retail as well. The Board voted the Variance was in compliance with the requirements under the standards of the MGL chapter 40 Section 10.

The Petitioner proved that the lot and its topography, included the mixed zoning warrants the uniqueness requirement. The literal enforcement of the bylaw would create financial hardship for the applicant and create financial hardship for the petitioner and the owner. The Board also agreed that the granting the desirable relief may be granted without substantial detriment to the public good as many other lots in the area have commercial uses nearby down Charge Pond Road and Cranberry Highway, Lastly, the approval does not derogate from the Wareham Zoning By-laws or their intent.

Several abutters submitted letters in support of the project and were in favor of the approval.

Site Plan Review:

The Board did an extensive review of the Special Permit for Site Plan Review on site. The Board finds that the Project complies with all applicable criteria set forth in Section 1520-1560 and Sections 1520 (2nd Paragraph) and the requirements of MGL Chapter 40A Section 9. With regard to the Applicant's application for Site Plan Review, after hearings,

extensive peer review by the Town Consulting Engineer, and due deliberations, the Board further finds and concludes that:

Pursuant to Section 1520 (2nd Paragraph) of the Bylaw:

[W]here the applicable development requires a Special Permit from the Board of Appeals, the Special Permit Granting Authority (SPGA) under Section 1510 of, this By-Law shall be the Board of the Board of Appeals.

This Project seeks ten (10) or more parking spaces. The Board further finds per Section 1510.1- the plans submitted in support of this application demonstrate that the adjacent areas are protected against detrimental uses on the site and plans provide adequate surface water drainage, buffers against, lighting sounds, and any nuisance.

Further, the granting of this Site Plan Review and Variance are subject to the following conditions:

1. The proposed build is approved as shown on "Proposed Site Plan at 8 & 10 Charge Pond Road in Wareham" dated December 27, 2021 with revisions prepared by JC Engineering Inc. and as shown on architectural renderings "D & J Landscaping" dated 1/4/2022 prepared by Cape Building Systems Inc.
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 Variance has not commenced within one year 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 & 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 & 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. 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) Approved By the Wareham Zoning Board of Appeals.

MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
TOWN OF WAREHAM ABUTTERS						
MAP 110 LOT 1085 300'						
OWNER WILLIAM & BARBARA ANN LEE						
110-1034	COLONIAL GAS COMPANY	C/O NATIONAL GRID PROP TAX DEPT	40 SYLVAN RD	WAREHAM	MA	02571
110-1029	FALABELLA-FREDEN JOSEPH	FALABELLA-FREDEN RICHARD D	2600 CRANBERRY HWY	WAREHAM	MA	02571
110-1030	DIONNE JOSHUA M		2602 CRANBERRY HWY	WAREHAM	MA	02571
110-1031	POTTER RICHARD D	POTTER LUCILLE E	2604 CRANBERRY HWY	WAREHAM	MA	02571
110-1035	LEE WILLIAM JR	LEE BARBARA ANN	70 FULLER RD	TRUMBULL	CT	06611
110-1015	MAKEPEACE CO A D		158 THONET RD	WAREHAM	MA	02571
110-1032	SVEDINE LAWRENCE C JR	SVEDINE LISA M	2606 CRANBERRY HWY	WAREHAM	MA	02571
110-1033	SAVARY PETER J	SAVARY ANGELA M	143 GREAT NECK RD	WAREHAM	MA	02571
110-1045	MAKEPEACE CO A D		158 THONET RD	WAREHAM	MA	02571
110-1046	ANDREWS STANLEY	ANDREWS SARA H	2610 CRANBERRY HWY	WAREHAM	MA	02571
110-1047	LUFFE JESSICA L		2612 CRANBERRY HWY	WAREHAM	MA	02571
110-1050/B	BARRASSO DEREK A	BARRASSO KELLY A	18 CENTRAL AVE	WAREHAM	MA	02571
110-1048	CONTI CHRISTOPHER J	FERREIRA NEAL	2614 CRANBERRY HWY	WAREHAM	MA	02571
CERTIFIED ABUTTERS AS THEY						
APPEAR ON OUR TAX ROLLS						
AS OF 12/13/2021						
<i>W. Rowe Atkins</i>						
ASSESSORS OFFICE						
REQUESTED BY						
SAM DANIELE IC ENGINEERING INC						
508 273-0377						
SDANIELE@ICENG.ORG						

TOWN OF WAREHAM ABUTTERS		MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
		MAP 110 LOT 1076						
		OWNER WILLIAM & BARBARA A LEE						
110-1034	COLONIAL GAS COMPANY	C/O NATIONAL GRID PROP TAX DEPT		40 SYLVAN RD	WALTHAM	MA	02451	
110-1031	POTTER RICHARD D	POTTER LUCILLE E		2604 CRANBERRY HWY	WAREHAM	MA	02571	
132-1018/B	PAPANTONIADIS PROPERTIES LLC			212 TEMPLE ST	W ROXBURY	MA	02132	
110-1015	MAKEPEACE CO A D			158 THORNET RD	WAREHAM	MA	02571	
110-1032	SVEDINE LAWRENCE C JR	SVEDINE LISA M		2606 CRANBERRY HWY	WAREHAM	MA	02571	
132-1018/A	MASON ANNA			2607 CRANBERRY HWY	WAREHAM	MA	02571	
110-1033	SAVARY PETER J	SAVARY ANGELA M		143 GREAT NECK RD	WAREHAM	MA	02571	
110-1076	LEE WILLIAM JR	LEE BARBARA A		70 FULLER RD	TRUMBULL	CT	06611	
110-1046	ANDREWS STANLEY	ANDREWS SARA H		2610 CRANBERRY HWY	WAREHAM	MA	02571	
110-1047	LUFFE JESSICA L			2612 CRANBERRY HWY	WAREHAM	MA	02571	
110-1050/B	BARRASSO DEREK A	BARRASSO KELLY A		18 CENTRAL AVE	WAREHAM	MA	02571	
110-1048	CONTI CHRISTOPHER J	FERRERA NEAL		2614 CRANBERRY HWY	WAREHAM	MA	02571	
132-1019	BARBOZA JOSEPH E	BARBOZA LORRAINE M		634 COUNTY RD	W WAREHAM	MA	02576	
CERTIFIED ABUTTERS AS THEY								
APPEAR ON OUR TAX ROLLS								
AS OF 12/13/2021								
<i>W. Robert O'Brien</i>								
ASSESSORS OFFICE								
REQUESTED BY								
SAM IAMELE JC ENGINEERING INC								
508 273-0377								
SIAMELE@JCENG.ORG								

E-recording Report of Recorded Documents
Itemized Fee View

Prepared for: Morton Law LLC (MATGCCQ)
Cost center: MATGCC
Report generated: 06/27/2022 10:50 AM MDT

Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE	AMT	SF	TOTAL	PROCESSED
Plymouth County, MA								
Jun 27, 2022								
Sergi Var Document 1	Notice	9	E 00059243 B 56959 P 096	06/27/2022 12:38 PM EDT	106.00	10.00	116.00	06/27/2022
				Recording Fee	0.00	0.00	0.00	06/27/2022
				No fee	106.00	10.00	116.00	
Totals for Plymouth County, MA								
					106.00	10.00	116.00	
					106.00	10.00	116.00	

Recording Fee Totals

COUNTY	RECORD DATE	AMT	SF	TOTAL
Plymouth County, MA	06/27/2022	106.00	10.00	116.00
Totals for Plymouth County, MA				
		106.00	10.00	116.00
Total of All Recording Fees				
		106.00	10.00	116.00

Document Count: 1
Package Count: 1

Questions Contact:
Simplifile Support 800.460.5657, option 3
5072 North 300 West
Provo, UT 84604