

---

# THE LAW OFFICES OF BELLO & MORTON, LLC

---

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

April 10, 2023

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

Re: Variance/Special Permit Application for Raymond Young; Property Located at  
2404 Cranberry Highway, Wareham, MA 02571; Assessor's Map 108, Lot 2A

Dear Members of the Board of Appeals:

Please find enclosed the following information and exhibits:

1. Petitioner:

Raymond Young  
280 Ayer Road  
Harvard, MA 01450

2. Recorded Owner:

Alpha Realty Holdings, LLC  
280 Ayer Road  
Harvard, MA 01450

3. Current Deed:

Plymouth County Registry of Deeds Book 51941, Page 228, 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.

Respectfully submitted,

JILIAN A. MORTON, ESQ.

508-295-2522

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: Raymond Young

Applicant's Address: Jillian Morton, Esq. 184 Main St

Telephone Number: Wareham, MA 02571 508-295-2522

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

Email Address: jam@mortonlawllc.com

Address of Property/Project: 2404 Cranberry Highway

Landowner's Name: Alpha Realty Holdings, LLC

Owner's Address: 280 Ayer Rd., Harvard, MA 01450

Telephone Number: N/A

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

Map 108 Lot 2A Zone IND

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

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

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

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: 2104 Cranberry Hwy LOT: 108 MAP: 2A

ZONING DISTRICT: IND

USE REQUESTED: \_\_\_\_\_

OWNER OF LAND & BUILDING: Alpha Realty Holdings LLC TEL.# \_\_\_\_\_

ADDRESS OF OWNER: 280 Ayer Rd. Harvard, MA 01450

PERSON(S) WHO WILL UTILIZE PERMIT: Raymond Young

ADDRESS: 280 Ayer Rd., Harvard, MA 01450

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

This application was received on the date stamped here:

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: \_\_\_\_\_

# EXHIBIT A

\*\*\* Electronic Recording \*\*\*

Doc#: 00097940

Bk: 51941 Pg: 228 Page: 1 of 2

Recorded: 11/13/2019 03:56 PM

ATTEST: John R. Buckley, Jr. Register

Plymouth County Registry of Deeds

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX

Plymouth District ROD #11 001

Date: 11/13/2019 03:56 PM

Ctrl# 130196 22946 Doc# Plymouth County Reg

Fee: \$5,435.52 Cons: \$1,192,000.00  
\*\*\*\*\*

### QUITCLAIM DEED

Nancy S. Angus, Trustee of Cran-Way Realty Trust, a Massachusetts Business Trust, u/d/t dated August 15, 1968 and recorded with the Plymouth County Registry of Deeds in Book 3467, Page 358 with a principal office in Wareham, Plymouth County, Massachusetts, for consideration of **ONE MILLION ONE HUNDRED NINETY-TWO THOUSAND AND 00/100 DOLLARS (\$1,192,000.00)** paid, grant to **ALPHA REALTY HOLDINGS, LLC**, a Massachusetts limited liability company, having a mailing address of, 280 Ayer Rd., Harvard, MA 01450, with **QUITCLAIM COVENANTS**, the land, together with the buildings and improvements thereon, situated in said Wareham Massachusetts, being Lots 2 & 3 containing .960 and 1.381 acres ±., respectively, as shown on that certain Approval Not Required Plan drawn for 2416 Cranberry Highway, LLC by Gerry L. Holdright, PLS No.49211 of Control Point Associates, Inc. and dated January 30, 2019 recorded herewith in Plan Book 62, Page 1009 and to which plan reference may be made for a more particular description.

The premises are conveyed subject to and with the benefits of the easements, rights and restrictions contained in that certain Quitclaim Deed dated August 28, 2000 from C.J.R. & R. Co., Inc. and recorded with the Plymouth Registry of Deeds in Book 18965, Page 162 and those matters shown on that certain Plan of Phillip Park for C.J.E.&R., Inc. dated February 2, 1999 by Charles L. Rowley and Associates recorded with the Plymouth County Registry of Deeds in Plan Book 42, Page 328 & 329, all insofar as in force and effect and without hereby meaning to affirm, extend or perpetuate same.

This conveyance does not represent the sale of all or substantially all of the Massachusetts assets of the Grantor.

Title Reference: See Deed from Nancy H. Wheelon et al dated April 4, 1973 and recorded with the Plymouth County Registry of Deeds in Book 3907, Page 281 and Deed from C.J.E.&R. Co., Inc. dated August 8, 2000 and recorded in said Deeds in Book 18965, Page 162.

Property: Lots 2 and 3, 2416 Cranberry Highway, Wareham

Executed as a sealed instrument this 18<sup>th</sup> day of November, 2019.

Cran-Way Realty Trust

By: [Signature], Trustee  
Nancy S. Angus, Trustee

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Plymouth.

Before me, the undersigned notary public, on this 18<sup>th</sup> day of November, 2019, personally appeared Nancy S. Angus who was proved to me through a current document issued by a federal or state government agency bearing a photographic image of the signatory's face and signature, to be the person whose name is signed to the foregoing instrument and acknowledged to me that she signed it as her free act and deed and the free act and deed of Cran-Way Realty Trust, as Trustee of Cran-Way Realty Trust, for its stated purpose.

[Signature]  
[Notary Seal]

Robert L Perry

my Commission expires May 16, 2019



# EXHIBIT B





# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

Paul Turner  
Director of Inspectional Services

---

March 27, 2023

Mr. Raymond Young  
280 Ayer Road  
Harvard, Massachusetts 01451

**RE: 2404 Cranberry Highway / Map 108, Lot 2A**

Mr. Young,

I have reviewed your Building Permit application B-23-164, submitted March 20, 2023 to construct a single story, slab on grade restaurant with multiple drive through lanes located at 2404 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 Principal Use Regulations, IND, Restaurant and Restaurant Drive Through.**

Neither one of these Uses are allowed in the Industrial Zone therefore a Variance will need to be secured from the Zoning Board of Appeals.

**Article 15: Site Plan Review;**

**1520 Applicability.**

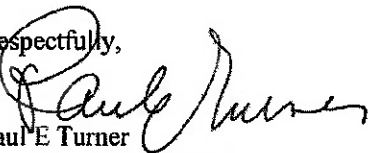
Any new development expansion, or change of use other than a single family or two family residence which would, under the parking schedule "Number of Parking Spaces Required" of section 920, require ten (10) or more parking spaces, regardless of the number of parking spaces on the premises, shall be permitted only upon the issuance of a Special Permit from the Planning Board for Site Plan Review.

The Special Permit 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 SPGA under Section 1510 of this By-Law shall be the Board of Appeals.

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

The subject dwelling is located in **IND** 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 108 LOT 2A

OWNER ALPHA REALTY HOLDINGS LLC

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
108-0-2A	ALPHA REALTY HOLDINGS LLC	280 AYER RD	HARVARD, MA	01451
108-0-A	2406 CRAN BERRY HIGHWAY LLC	280 AYER RD	HARVARD, MA	01451
108-0-1002.B2	WAREHAM DEVELOPMENT LLC + JB WARWENHAM LLC + BOURNE ACQUISITION LLC + 2527 LLC	28 WESTMINSTER ST, 670 N. COMMERCE ST	WARREN, RI MANCHESTER, NH	02885 03801
108-0-1002.A	LEGACY GREAT HILL ESTATES LLC	10810 N TATUM BLVD STE 102-103	PHEONIX, AZ	85028
108-0-1004.E	FARES REALTY CORP,	156 MAIN ST,	BUZZARDS BAY, MA	02532
108-0-1004.F	UPLAND STORAGE & DEVELOPMENT, CORPORATION	PO BOX 881,	W WAREHAM, MA	02576
87-0-2	S&H REALTY LLC, C/O WALMART ATTN: PROPERTY TAX DEPT	PO BOX 8050 MS 0535	BENTONVILLE, AZ	72716
87-0-1	WAREHAM RETAIL MANAGEMENT LLC,	30200 TELEGRAPH RD STE 205,	BINGHAM FARMS, MI	48025
87-0-1000.A2	BLISS FAMILY FOUNDATION TO, C/O PETER LATHAM	PO BOX 721,	WAREHAM, MA	02571

CERTIFIED ABUTTERS AS THEY APPEAR

ON OUR TAX ROLLS AS OF 4/6/2023

*44. Renee Obando*  
ASSESSORS OFFICE

REQUESTED BY

CHERYL SILVA

508 295-2522

CHERYL@MORTONLAWLLC.COM

Town of Wareham MA

Town of Wareham

General Map Layers

+

wareham.maps.arcgis.com/apps/webappviewer/index.html?id=892c1f2a79d04307bf439360eebc5b0e

Apps C PVD to ORF Flights...

Town of Wareham...

EMAIL: wareham.ma...

Cadlock

VADAR

EmployeeForward

Welcome to 20/20...

MapOnline Site ...

my24/7 - Massach...

ARC

General Map Layers

Town of Wareham, MA

Find address or place...

Q

Public Notification

Select or search for a feature in the map

108-0-1

X

Q

Q

N

+

-

Q

Q

108-0-1

108-0-1

Clear

Apply a search distance

300 Feet

Addressee Layer

Abutter's List

Format

Comma-separated values (CSV)

11 addressees found; do you want to continue?

Review

Download

108-0-1

108-0-1

108-0-1

108-0-1

108-0-1

108-0-1

108-0-1

108-0-1

108-0-1

108-0-1

CURRENT OWNER										TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT		925																											
ALPHA REALTY HOLDINGS LLC																		IND LAND		4400		163,900																									
280 AYER RD										Alt Pct ID 108/2A		Total Ac .96		Plan # 39-2020																																	
HARVARD MA 01450										District S.C.E. 14		Assoc. Parcels																																			
GIS ID M_262842_837179										Assoc Pct#																																					
RECORD OF OWNERSHIP										BK-VOL/PAGE		SALE DATE		Q/U		V/I		SALE PRICE		VC		Year		Code		Assessed		Year		Code		Assessed															
ALPHA REALTY HOLDINGS LLC										51941 0228		11-13-2019		U		V		1,192,000		1V		2023		4400		163,900		2022		4400		163,900															
ANGUS NANCY C + DONALD H TRS										3907 0281		07-02-1973		U		V		1		1A																											
										Total										Total		163,900		163,900		Total		163,900		Total		163,900															
EXEMPTIONS										Amount		Code		Description		Number		Amount		Comm Int																											
Year										Code		Description		Amount		Code		Description		Number		Amount		Comm Int																							
										Total		0.00																																			
Nbhd										Nbhd Name		B		Tracing		Batch																															
5000																																															
NOTES																																															
PREV LOT 1-FY21 NEW LOT 2A																																															
BUILDING PERMIT RECORD										Permit Id		Issue Date		Type		Description		Amount		Insp Date		% Comp		Date Comp		Comments																					
LAND LINE VALUATION SECTION																																															
B#										Use Cod		Description		Zone		D		Front		Depth		Land Units		Unit Price		I. Factor		S.A.		Acreid		CFact		St ldx		Adj.		Notes		Special Pricing		S, AdjF		Adj Unit		Land Value	
1										4400		IND LD DV		IND		1		0		0		41,818 SF		3.92		1,00000		1		1,000		1,00		5000		1,00						1,0000		163,900			
Total Card Land Units										0.96 AC		Parcel Total Land Area		0.96																										Total Land Value		163,900					