
THE LAW OFFICES OF BELLO & MORTON, LLC

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

August 4, 2023

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

Re: Minor Modification and Appeal from Building Commissioners letter for Peter Nahas; Property Located at 2707 Cranberry Highway, Wareham, MA 02571; Assessor's Map 133, Lot 1000/B2

Dear Members of the Board of Appeals:

Please find enclosed the following information and exhibits:

1. Petitioner:

Peter Nahas
2707 Cranberry Highway, Bay 3
Wareham, MA 02571

2. Record Owner:

2707 Cranberry Highway
2707 Cranberry Highway
Wareham, MA 02571

3. Current Deed:

Plymouth Registry of Deeds in Book 54109, Page 38. 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.

6. 2011 Site Plan Review Approval:

Copy attached as Exhibit D.

7. 2017 Certificate of Granting of Special Permit:

Copy attached as Exhibit E.

8. Letter of Intent:

I represent the Applicant- we are seeking an appeal of the building commissioners' letter and a Minor Modification of the Special Permit issued in 2017.

Accordingly, we are seeking the Appeal from the Violation and an allowance of a minor modification to remove the condition **"No outside storage of materials and equipment shall be allowed."**

The property is located in Commercial General which allows light manufacturing uses. We ask that the Board consider the nature of the owner's business and the need for storage of heavy equipment as well as the steel and metal materials. The nature of the modification would be to

allow storage of equipment and materials outside of the building, which is on Cranberry Highway, a highly traveled road with many other businesses nearby.

Therefore, we ask the Board to grant this Minor Modification and overturn the Notice of Violation from the Building Commissioner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julian", is centered on the page. The signature is flanked by two faint, rectangular, textured marks that look like scan artifacts or light smudges.

JILIAN 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:

- Complete this form.
- Complete information packets. (Directions attached)
- Submit application form and packet to Town Clerk for signature.
- Submit application form and packet to Town Collector for signature.
- 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: 2707 Cranberry Highway LOT: 133 MAP: 1000/B2

ZONING DISTRICT: CG

USE REQUESTED: Modification

OWNER OF LAND & BUILDING: 2707 Cranberry Highway TEL.# _____

ADDRESS OF OWNER: 2707 Cranberry Highway, Wareham, MA 02571

PERSON(S) WHO WILL UTILIZE PERMIT: 2707 Cranberry Highway

ADDRESS: 2707 Cranberry Highway, Wareham, MA 02571

DATE: 8-3-2023 SIGNATURE: 

This application was received on the date stamped here:

WAREHAM TOWN CLERK
2023 AUG 15 AM 10:17

Town Clerk: _____ Date: _____

Tax Collector: Chris Date: 8/15/23

Planning/Zoning Dept.: Sonia Raposo Date: 8/15/23

Application fee paid: 750.00 Check #: 5113 Receipt: _____

Advertising fee paid: 150.00 Check #: 5114 Receipt: _____

Abutters fee paid: 285.00 Check #: 5115 Receipt: _____

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: Peter Nahas

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

Telephone Number: 508-295-2522

Cell Phone Number: _____

Email Address: jam@mortonlawllc.com

Address of Property/Project: 2707 Cranberry Highway, Wareham, MA 02571

Landowner's Name: 2707 Cranberry Highway

Owner's Address: 2707 Cranberry Highway, Wareham, MA 02571

Telephone Number: N/A

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

Map 133 Lot 1000/B2 Zone CG

Date Approved _____ Date Denied _____

Comments: _____

EXHIBIT A

Property Address: 2707 Cranberry Highway, Lot 2, Wareham, MA 02571

*** Electronic Recording ***
Doc#: 00132738
Bk: 54109 Pg: 38 Page: 1 of 2
Recorded: 12/30/2020 03:36 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 12/30/2020 03:36 PM
Ctr# 142396 24928
Fee: \$3,420.00 Cons: \$750,000.00

MASSACHUSETTS QUITCLAIM DEED

NBE MANAGEMENT CORP., a Massachusetts corporation with its usual place of business at 20 Tower Terrace, Wareham, Massachusetts 02571 and **GP EAST STEEL CO.**, a Massachusetts corporation with its usual place of business at 10 Jordan Road, Wareham, (Plymouth County) Massachusetts 02571 grant to **2707 Cranberry Highway LLC**, a Massachusetts Limited Liability Company with a mailing address of of 2707 Cranberry Highway, Wareham, Massachusetts 02571

for consideration paid and in full consideration of **SEVEN HUNDRED FIFTY THOUSAND and 00/100 (\$750,000.00)** Dollars,

with QUITCLAIM COVENANTS:

That certain parcel of land together with the buildings and improvements thereon in Wareham, Plymouth County, Massachusetts

Shown as Lot 2 on a plan entitled "Prepared for Manuel DeMiranda, 57 Wareham Road, Marion, Massachusetts, dated Oct. 14, 2011, scale 1"=40", William MacKenzie P.L.S. president, 695 Wareham Street, Middleboro, Massachusetts, 02346", recorded in Plymouth County Registry of Deeds, Plan Book 56, Page 1107, being Plan 517 of 2011.

For GRANTORS' title see deed dated November 1, 2018 and recorded with the Plymouth County Registry of Deeds in Book 50481, Page 0145.

Grantors hereby release any and all homestead rights to the within premises, whether created by declaration or operation of law, and further state, under the pains and penalties of perjury, that there are no other persons entitled to homestead rights to the property being conveyed herein.

This conveyance is in the ordinary course of business and the property conveyed is not substantially all of the assets of NBE Management Corp. or GP East Steel Co. in Massachusetts.



Witness our hands and seals this 29th day of December 2020.

GP EAST STEEL CO.

NBE MANAGEMENT CORP.

By [Signature]
GEORGES EL KHAZEN, President

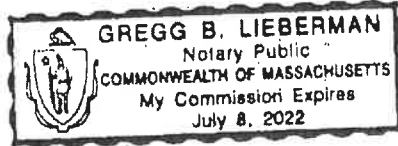
[Signature]
NAZIH B. ELKALLASSI, Pres.
And Treasurer

And [Signature]
ANTHONY EL KHAZEN, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS.

On this 29th day of December 2020, before me, the undersigned notary public, personally appeared **Nazih B. Elkallassi, President and Treasurer of NBE Management Corp.** and proved to me through satisfactory evidence of identifications which was a Massachusetts State Driver's Licenses, to be the person whose name is signed on this document and acknowledged the foregoing instrument to be his free act and deed, before me on behalf of the NBE Management Corp.



[Signature]
Notary Public: Gregg B. Lieberman
My Commission Expires: 7/8/2022

COMMONWEALTH OF MASSACHUSETTS

Plymouth, SS.

On this 29th day of December 2020, before me, the undersigned notary public, personally appeared **Georges El Khazen, President and Anthony El Khazen, Treasurer of GP East Steel Corp.** and proved to me through satisfactory evidence of identifications which were Massachusetts State Driver's Licenses, to be the persons whose names are signed on this document and acknowledged the foregoing instrument to be their free act and deed, before me on behalf of the GP East Steel Corp.



[Signature]
Notary Public: Gregg B. Lieberman
My Commission Expires: 7/8/2022

EXHIBIT B



TOWN of WAREHAM
Massachusetts
BUILDING DEPARTMENT

Paul Turner
Director of Inspectional Services

July 12, 2023

CERTIFIED MAIL
HAND DELIVERED
EMAIL: peter@gpeaststeel.com

Mr. Peter Nahas
2707 Cranberry Highway Bay 3
Wareham, Massachusetts 02571

NOTICE OF VIOLATION

RE: 2707 Cranberry Highway / Map 133, Lot 1000/B2

Mr. Nahas,

I am notifying you that you are in violation of the **Special Permit** granted to this property June 5, 2017 by the Wareham Planning Board. The granting of site plan approval was subject to twenty-six (26) conditions. It was brought to my attention that you are in violation of condition twenty-one (21);

No outside storage of materials and equipment shall be allowed.

I visited your site on July 10, 2023 and introduced myself to you and explained why I was on site. I appreciate your cooperation and professionalism while you allowed me to view your site first hand. It is my determination that you are in direct violation of condition twenty-one (21) of the Special Permit granted to this property.

REMEDY; Remove all stored materials and equipment from the exterior of the property within sixty (60) days upon receipt of this letter.

The subject dwelling is located in **CG** zoning district.

Respectfully,

Paul E Turner
Building Commissioner
Zoning Enforcement Officer

In accordance with the provisions of the Town of Wareham By-Laws 1442.2: Any person, firm or corporation violating any provisions of the By-Law shall be liable for a fine of not more than three hundred dollars (\$300.00) for each violation. Each day that a violation shall constitute a separate offence.

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

ZBA 32-23

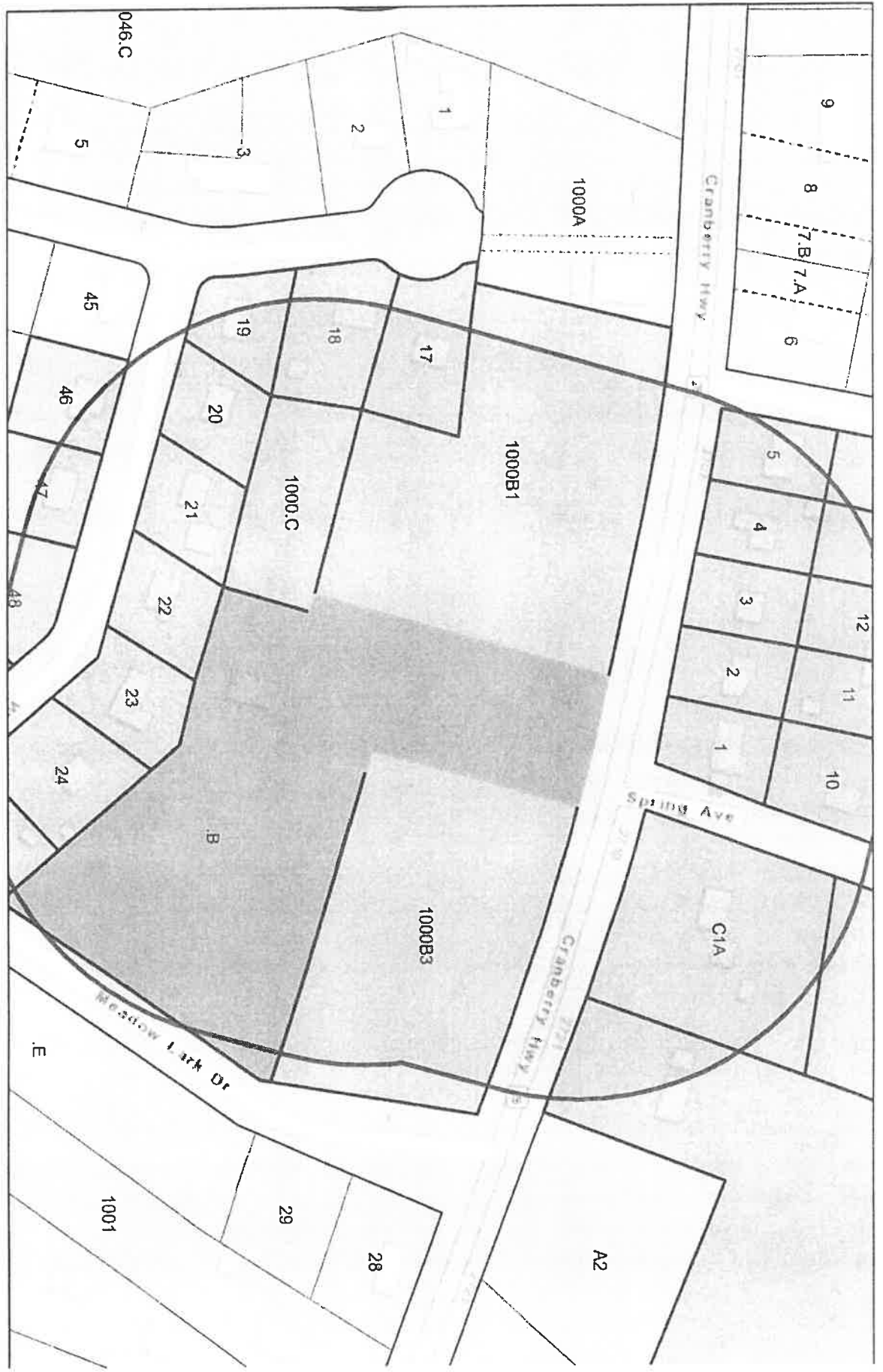
MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
115-0-A	BITHER RICHARD L	19 PINEVIEW TERR	W WAREHAM, MA	02576
115-0-1	POWER MICHAEL	2714 CRANBERRY HWY,	WAREHAM, MA	02571
115-0-10	FLORINDO JOAN C,	4 SPRING AVE,	WAREHAM, MA	02571
115-0-11	FANIEL SHARON L,	6 SPRUCE ST,	WAREHAM, MA	02571
115-0-13	SHERMAN MICHAEL E,	3 DIVISION AVE,	WAREHAM, MA	02571
115-0-2	ROHRBACH CHARLES, ROHRBACH VICTORIA	2712 CRANBERRY HWY,	WAREHAM, MA	02571
115-0-3	VASCIANNIE HENRY	2710 CRANBERRY HWY,	WAREHAM, MA	02571
115-0-4	HOHL JARED	2708 CRANBERRY HWY,	WAREHAM, MA	02571
115-0-5	MIRANDA SETH, MIRANDA ATHENA	2706 CRANBERRY HWY,	WAREHAM, MA	02571
115-0-C1B CM	SHERIDAN HOME BUILDERS INC,	100 HEDGES POND RD,	PLYMOUTH, MA	02360
133A-0-B1	JACOBS MARY BETH,	7A MEADOWLARK DRIVE,	WAREHAM, MA	02571
133A-0-B2	LATHAM PETER R JR, LATHAM JOSEPH W	7B MEADOWLARK DR,	WAREHAM, MA	02571
133A-0-17	MCGONAGLE HUGH D, MCGONAGLE MARYANN	2 PHEASANT AVE,	WAREHAM, MA	02571
133A-0-18	KING GABRIEL A, KING SHELLEY M	4 PHEASANT AVE,	WAREHAM, MA	02571
133A-0-19	PENNINGTON HENRY B, PENNINGTON DORIS A	454 COUNTY RD,	W WAREHAM, MA	02576
133A-0-20	HARDSOG WILLIAM G,	21 WHIPPOORWILL WAY,	WAREHAM, MA	02571
133A-0-21	GOMES RASHAUN AMADO, JOIA CAYLEEN	19 WHIPPOORWILL WAY,	WAREHAM, MA	02571
133A-0-22	KASPAR PAUL F, KASPAR JUDITH	121 FEARING HILL RD,	W WAREHAM, MA	02576
133A-0-23	AYALA JOHN R, AYALA JOANNE	15 WHIPPOORWILL WAY,	WAREHAM, MA	02571
133A-0-24	SILVA KENNETH P, SILVA KAREN A	13 WHIPPOORWILL WAY,	WAREHAM, MA	02571
133A-0-25	RULISON SUSAN M,	53 FOSDICK RD,	CARVER, MA	02330
133A-0-46	SMITH HOLLY	16 WHIPPOORWILL WAY,	WAREHAM, MA	02571
133A-0-47	FERRANTI JAMES N, FERRANTI ANTOINETTE M	184 PEARL ST,	SOMERVILLE, MA	02143
133A-0-48	O'MALLEY JOHN R	12 WHIPPOORWILL WAY	WAREHAM, MA	02571
133A-0-49	SMITH DOUGLAS B SR, SMITH EILEEN M	10 WHIPPOORWILL WAY,	WAREHAM, MA	02571
133-0-100082	2707 CRANBERRY HIGHWAY	2707 CRANBERRY HWY	WAREHAM, MA	02571
133-0-100083	DEMIRANDA MANUEL,	2648 CRANBERRY HWY,	WAREHAM, MA	02571
133-0-100081	GRACE LIGHTHOUSE FELLOWSHIP,	PO BOX 1,	WAREHAM, MA	02571
115-0-C1A	ST JUSTE JEAN ROBERT, ST JUSTE MAGDALA	2718 CRANBERRY HWY,	WAREHAM, MA	02571

CERTIFIED ABUTTERS AS THEY APPEAR ON
OUR TAX ROLLS AS OF 7/27/2023

by Ronei Atkins
ASSESSORS OFFICE

REQUESTED BY
JULIAN A MORTON
508 295-2522
CHERYL@MORTONLAWLLC.COM

ArcGIS Web Map



7/27/2023, 9:00:26 AM

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

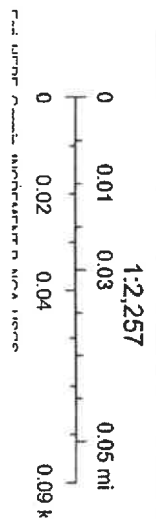
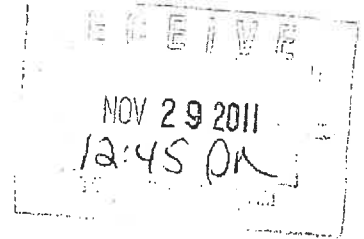


EXHIBIT D



Town of Wareham Planning Department & Zoning Board of Appeals

54 Marion Road
Wareham, MA 02571-1428



Phone: (508) 291-3100 x6501
Fax: (508) 291-3116
Email: jcharbonneau@wareham.ma.us

John M. Charbonneau, Town Planner
Brenda Sampson, Dept. Assistant
Kelly Barrasso, Dept. Assistant

Site Plan Review Approval

**Proposed Site Plan
2707 Cranberry Highway**

November 28, 2011



2012 00000110
Bk: 40810 Pg: 221 Page: 1 of 4
Recorded: 01/03/2012 10:24 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

On September 26, 2011, the Planning Board opened the public hearing on the application for Site Plan Review approval under Article 15 of the Wareham Zoning By-Laws for construction of a one (1) story commercial structure with a 5,726 square-foot building footprint and associated parking, utilities, drainage facilities and landscaping for a doctor and dentist office for a property owned by Manuel DeMiranda, 2648 Cranberry Highway, Wareham, MA 02571. The property is identified as 2707 Cranberry Highway, Assessor's Map 133, Lots 1000-B and 1000-C and is zoned Commercial General (CG). The land is further identified in Book 39532, Page 235 of the Plymouth County Registry of Deeds. The Application and supporting materials were submitted to the Planning Department on August 23, 2011 and the Office of the Town Clerk on November 14, 2011. The Notice of Public Hearing was posted on August 26, 2011. The first Notice appeared in Wareham Week on September 8, 2011 and the second Notice appeared on September 15, 2011. The public hearing was opened on September 26, 2011, continued without testimony to October 17, 2011 and was closed on November 14, 2011.

In exercise of its discretionary powers, the Wareham Planning Board voted five (5) in favor, zero (0) opposed and zero (0) abstained to approve the petition of Fadi Zaknoun. The voting members were Chairman George T. Barrett, Vice-Chair Michael A. Baptiste, Sr., Clerk Alan Slavin, Member Michael Fitzgerald and Member Charles W. Klueber.

Findings

1. The project site contains 49,941 square feet of land, or 1.15 acres.
2. The project will consist of construction of a one (1)-story building with a footprint of 5,726 square feet and create 28 parking spaces.

Reasons for Granting a Site Plan Approval

The project complies with the criteria set forth in Article 15, Section 40:

The proposed use is allowed within the Commercial General (CG) pursuant to Article 3, but requires Site Plan Review Approval as follows:

"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."

A TRUE COPY
ATTEST:

Mary Ann Silva
TOWN CLERK

The project complies with the criteria set forth in Article 15, Section 10:

- a) Protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, vibration, and the allowance of sun, light, and air:

The project will include installation of a stormwater infiltration system consisting of a 2,000-gallon oil/grit separator tank. The applicant is proposing to maintain the existing trees along the eastern, western and southern boundaries of the property.

- b) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas:

The project is proposed to create 28 vehicular parking spaces with a designated drop-off area and an 18-foot wide emergency access gravel road along the eastern side of the building. The site will be accessed from Cranberry Highway using a two-way driveway bordered with 6-inch granite curbs.

- c) Adequacy of facilities of handling and disposal of refuse and other production by-products:

The project will include a dumpster containment area to the southeast of the building.

- d) Protection of environmental features on the site and in adjacent area:

All site work and clearing will occur outside of the 100-foot wetlands buffer.

- e) Promotion of appropriate arrangement of structures within the site and in relation to existing structures within the district and neighborhood:

The building is set back approximately 81.5 feet from the roadway and the building is situated so provide adequate emergency access, adequate parking and to be outside of the 100-foot wetlands buffer area.

- f) Coordination with and improvement of systems of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, water courses, buildings and other features that support the neighborhood:

The Board has taken all of these criteria into consideration in its review of the project and the project has been designed in such a way as to properly coordinate these aspects.

- g) Compliance with all applicable sections of the Zoning By-Law:

The proposed use is allowed within the Multiple Residence (MR-30) pursuant to Article 3, but requires Site Plan Review Approval as follows:

“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.”

Conditions

1. The project shall be constructed to be consistent with the site plans entitled, "Proposed Site Plan, 2707 Cranberry Highway, Wareham, Massachusetts" prepared by JC Engineering, Inc., 2854 Cranberry Highway, East Wareham, MA 02538, dated August 22, 2011 with a revision date of September 23, 2011.
2. Any alteration or change to the approved site plan must be brought before the Planning Board for a determination as to whether or not such change constitutes a minor or significant modification. Any significant modification would require a new public hearing before the Board. The Planning Board reserves the right to approve, without the need for a new noticed public hearing, any modifications it deems to be minor in nature.
3. If substantial use or construction permitted by this Approval has not commenced within two (2) years from the date on which a copy of this decision is filed with the Office of the Town Clerk, excluding the 20-day appeal period, then the Approval shall so expire. Therefore the date of expiration of this Approval shall be December 20, 2013.
4. The Planning Board and staff shall be permitted access to the site for the purpose of conducting site visits to monitor the progress of the project during and after construction.
5. All work shall conform to the Wareham Fire District Water Department specifications and fee schedule in effect at the time of installation.
6. The owner or their engineer must apply for a Mass Highway excavation permit a minimum of 120 days prior to commencement of site work. A copy of the excavation permit must be provided to the Water Department prior to scheduling of water-related work.
7. The proposed landscaping shall be completed in conformance with the General Planting Notes on Sheet 3 of the approved site plans. All plant material shall be guaranteed for one (1) year after the date of final acceptance. Any plant material that dies within that time period shall be removed, including the stump, and replaced by a tree of similar size and species at the expense of the contractor.
8. Prior to issuance of the Certificate of Occupancy, the Planning Board shall receive a letter from the Landscape Architect verifying that the landscaping has been installed in compliance with the approved site plans.
9. The proposed project shall be constructed to be consistent with the General Notes and Erosion Control Notes on Sheet 4 of the approved site plans.
10. There is no construction to be performed on Sundays or Holidays unless previously authorized in writing by the Building Commissioner.
13. After construction is complete, the Planning Board will evaluate the installation of the outdoor lighting to ensure that it is shielded properly from the public roadway and that there is no spill over and/or glare onto abutting properties.
14. The 40-foot tree stand buffer along the southern boundary of the site shall remain throughout and following construction of the project.
15. This approval is contingent upon the applicant(s) receiving approval for an Approval Not Required (ANR) plan to divide Lot 1000B in order to create the subject lot for construction of the proposed project.

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 40 A of the Massachusetts General Laws.

Mayhem Slavin
Town Clerk

Vote

We hereby certify that copies of this Decision were filed with the Office of the Town Clerk and the Director of Inspectional Services on November 29, 2011.

Wareham Planning Board

George T. Barrett

George T. Barrett, Chair

Alan H. Slavin

Alan H. Slavin, Clerk

Michael A. Baptiste Sr.

Michael A. Baptiste, Sr.

Charles W. Klueber

Charles W. Klueber

Michael Fitzgerald

Michael Fitzgerald

November 28, 2011

This decision shall not take effect until (a) a copy of this decision certified by the Town Clerk to the effect that 20 days have elapsed since the decision was filed in the Office of the Town Clerk without any appeal having been filed or that any appeal filed has been dismissed or denied has been recorded in the Plymouth County Registry of Deeds or with the Assistant Register of the Land Court for Plymouth County, and (b) a certified copy indicating such Registry recording has been filed with the Board. Notwithstanding the foregoing, however, the petitioner may exercise his rights hereunder prior thereto, at its own risk that this approval may be appealed, as set forth below, and that a court may reverse this approval, and that any construction performed hereunder may be ordered undone, per Massachusetts General Laws, Chapter 40A, Section 11.

Any person aggrieved by a decision of the Planning Board has the right to appeal such decision to the Superior Court, the Land Court, or the District Court of the Commonwealth of Massachusetts pursuant to Massachusetts General Laws, Chapter 40A, Section 17, by filing such appeal within 20 days after the date on which the decision was filed with the Town Clerk.

This Decision was filed with the Town Clerk on November 29, 2011.

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

Then personally appeared Alan H. Slavin, a member of the Wareham Planning Board, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the majority of the Planning Board of the Town of Wareham, before me,

Donna J. Rhodes
Notary Public

My commission expires: Aug 11, 2017

A TRUE COPY
ATTES:

May Ann Silva
TOWN CLERK

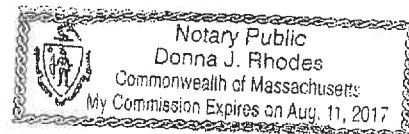


EXHIBIT E

THE COMMONWEALTH OF MASSACHUSETTS



2018 00084513
Bk: 50144 Pg: 190 Page: 1 of 9
Recorded: 08/08/2018 01:10 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

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 40 A of the Massachusetts General Laws.

Town of Wareham

PLANNING BOARD

Petition No.: N/A

Book: 25249 Page: 312

Date: June 5, 2017

Town Clerk

Certificate of Granting of Special Permit
(General Laws Chapter 40A, Section 11)

The Planning Board of the Town of Wareham hereby certifies that a Special Permit has been granted:

To: Fadi Zaknoun

Address: 14 Carver Road

City or Town: West Wareham

Affecting the rights of the owner with respect to land or buildings at Assessors Map 133 Lot 100-B2 -

2707 Cranberry Highway Wareham, MA 02571

The Planning Board certifies that the decision attached hereto is a true and correct copy of its decision to grant a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the Planning Board, Building Inspector, and the Town Clerk.

The Planning Board 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 Planning Board 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.

Chairman

Clerk

A TRUE COPY
ATTEST

TOWN CLERK

RECEIVED

1030 am
JUN 13 2017

TOWN OF WAREHAM
TOWN CLERK

MAIL TO:
JC Engineering, Inc.
2854 Cranberry Highway
East Wareham, MA 02538

RECEIVED
3:45 PM
JUN - 5 2017

TOWN OF WAREHAM
TOWN CLERK

NOTICE OF DECISION

WAREHAM PLANNING BOARD

SITE PLAN REVIEW APPROVAL

Applicant: Fadi Zaknoun
Owner: Fadi Zaknoun
Owner Address: 14 Carver Road, West Wareham, MA 02576
Subject Property Address: 2707 Cranberry Highway
Subject Property Parcel ID: Assessors Map 133 – Lot 1000B2
Date of Application: October 11, 2016
Dates of Public Hearing: 11-28-16, 1-9-17, 2-13-17, 2-27-17, 3-13-17, 4-10-17, 4-24-17, 5-8-17
Date of Notice: May 23, 2017

APPROVED SITE PLAN ENTITLED: "PROPOSED SITE PLAN AT 2707 CRANBERRY HIGHWAY IN WAREHAM MASSACHUSETTS (PLYMOUTH COUNTY)" PREPARED BY: JC ENGINEERING, INC. and dated AUGUST 22, 2011, and as revised through FEBRUARY 6, 2017, a copy of which is on file with the Wareham Planning Board.

In exercise of its discretionary powers, the Wareham Planning Board (Members George T. Barrett, Michael A. Baptiste Sr., Michael Fitzgerald, John P. Cronan, and Robert Reed voting) voted 4 for approval and 1 for denial, and by super majority approve the petition of Fadi Zaknoun, for Site Plan Review Approval to construct a building for the purpose of commercial storage with offices comprised of (a) 7,400 sf building with 2,000 sf of office and 5,400 sf of storage (b) a parking lot on the front of the building for 17 spaces and (c) a paved area in the rear of the building for turning and circulation, on a 1.15+/- acre site, with conditions per this Decision. The site is located on the southerly side of Route 28/Cranberry Highway and is Lot 1000 B2 on Assessor's Map 133, located in the General Commercial District (CG).

A. THE BOARD FINDS THE FOLLOWING FACTS:

1. The project is located at 2707 Cranberry Highway, Wareham and is currently vacant. The site is a 1.15-acre parcel that was more recently subdivided after being changed from MR-30 to CG zoning district by Town Meeting in 2010. The property includes the buffer area of regulated wetlands where the buffer area extends into the subject parcel.
2. A Project Narrative and Impact Assessment Report was prepared and submitted by JC Engineering dated September 8, 2016 with latest revision dated December 28, 2016.
3. The site is undeveloped and wooded. There are sewer, water and electric utilities within the vicinity of the project. The site will be serviced by water service from Wareham Fire District and town sewer service.

4. The development plan has been designed to reduce the impact on the environment as much as is feasible. Stormwater drainage will be collected and directed to infiltration chambers.
5. The public hearing opened on November 28, 2016, and continued through seven more dates to May 8, 2017. Plan revisions were made based on comments received from the Planning Board, consulting engineer, Charles Rowley, P.E., and the Conservation Commission. Revisions included:
 - a. New façade treatments including signs, windows, masonry walls and painted trim
 - b. Emergency Vehicle Movement Plan for Rear Lot Access
 - c. Revised drainage calculations and supplemental information
 - d. Moved the driveway entrance location to allow better access for large trucks
 - e. Changes in the landscape plan,
 - f. Modified parking; net removal of one spot but maintaining conformance with zoning
 - g. Individual utility services to each unit.
6. Correspondence was received from the Natural Heritage and Endangered Species office dated November 11, 2016 stating that the project would have no impact to protected species habitat.

B. THE GRANTING OF SITE PLAN APPROVAL IS BASED ON THE FOLLOWING CONSIDERATIONS:

1. Protection of adjacent areas against detrimental or offensive uses on the site by provisions of adequate surface water drainage, buffers against lighting, sight, sound, dust, and vibration.
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.
3. Adequacy of facilities of handling and disposal of refuse and other production by-products.
4. Protection of environmental features on the site and in adjacent area.
5. Promotion of appropriate arrangement of structures within the site and in relation to existing structures within the district and neighborhood.
6. Design of building, lighting, landscaping, wetlands, water courses, buildings and signs.
7. Compliance with applicable sections of the Zoning By-Law has been demonstrated.

C. THE GRANTING OF SITE PLAN APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

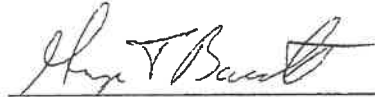
1. The project shall comply with all requirements necessary for obtaining road opening permits for driveways and utilities.
2. The Planning Board and its Staff shall have access to the project site to ensure that these conditions are complied with.
3. Any plan revisions shall be submitted to and approved by the Planning Board and construction shall conform to those final plans so approved. The Planning Board reserves the right to approve, without the need for a new noticed public hearing, any minor modifications.
4. During construction, debris shall be removed and disposed of properly, portable toilets shall be provided, work shall be performed between the hours of 7:00am to 7:00pm, and no work shall be done on Sundays or holidays unless approved by the Building Inspector. No stumps or other debris shall be disposed of on site.
5. Applicant shall comply with all bylaws of the Town of Wareham and the approvals and conditions of all Town Boards and Commissions and the Water District.
6. Changes in sewage flow and consequent changes in wastewater disposal required by the Board of Health must be submitted for consideration for site plan modification.
7. Inspections shall be required for all site work as noted on the approved plans and the road opening and closing. Adequate notice, in no case less than 24 hours, shall be given to the Planning Board or its designee to make inspections of the work. A schedule of inspections shall

- be agreed upon the petitioner, the petitioner's contractor and the Planning Board or its designee prior to the commencement of any work on the site, including the clearing of trees.
8. A pre-application conference should be held prior to the commencement of work with notice given to the Planning and Conservation Departments of the time and place of the conference.
 9. Inspections of site construction should include but not be limited to the following:
 - a. After limits of work and the hay bale line have been set but before site clearing commences,
 - b. After clearing is complete and high ground water elevations have been confirmed,
 - c. After storm drainage facilities are installed but prior to backfilling,
 - d. After pavement base material has been placed and graded to final subgrade,
 - e. After binder course of paving has been placed and before wearing surface is applied,
 - f. Paving of the wearing surface should include a complete cleaning and sweeping of the binder surface and with a complete tack coat of asphalt emulsion is applied to the binder surface by tack equipment. Hand application of emulsion will not be allowed except at joints where old and new pavements abut.
 - g. After final striping of the wearing surface and after landscaping has been completed along with loam and seeding of all disturbed surfaces.
 10. No request for an occupancy permit should be submitted until a final site construction inspection has been made with a report to the Planning Board and Director of Inspectional Services that all work has been completed in accordance with the approved plan and Special Permit.
 11. If an occupancy permit is requested prior to the completion of all site work, the Planning Board may allow that if proper security is posted in an amount and form satisfactory to the Planning Board.
 12. If substantial use or construction permitted by this Site Plan Review 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 Site Plan Review Special Permit 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 does so at the risk that a court may reverse the permit and any construction performed under the permit may be ordered undone.
 13. Any person aggrieved by this decision of the Planning Board 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 may so certify.
 14. Groundwater elevations will be witnessed with test pits with the Town Engineer prior to final design of the stormwater system so that proper separation from groundwater levels is achieved.
 15. The dumpster/waste disposal pad shall be enlarged to accommodate dumpsters for each building unit.
 16. The sides of the building shall include additional architectural treatments and design elements. The applicant shall submit revised landscape plans that extend the raised landscape buffer to lot 1000- B3. The landscape buffer shall have plantings which will visually screen parked cars. No building permit shall be issued until such plans have been approved by the Planning Board.

17. The owner of the property shall properly maintain all landscaping. In addition, Applicant shall, prior to the issuance of a building permit, insure maintenance of the landscaping plans by providing a bond in an amount satisfactory to the board or provide an executed maintenance agreement with a landscaping company acceptable to the Board and provided in section 1071 of the Zoning By-law.
18. Lighting will be limited to onsite-directed, shielded fixtures.
19. No fabrication, repair or retail sales shall take place on site.
20. No parking shall be allowed on the side and rear of the building and no overnight parking.
21. No outside storage of materials and equipment shall be allowed.
22. No parking of vehicles to the side or rear of the building shall be permitted. The rear area is for emergency and delivery vehicle access only. "No parking" signs shall be prominently displayed.
23. No business shall be conducted on the property on Sundays or Holidays and on other days shall be conducted only between 7:00 AM and 5:00 PM.
24. No more than 400 square feet of each unit shall be office space and the remainder only for storage.
25. Upon completion, an "As Built" plan is to be submitted to the Building Department with a copy provided to the Planning Board.
26. Any element of the use, site and building design not expressly approved hereunder is hereby denied.


We hereby certify that copies of this decision were filed with the Town Clerk (and Director of Inspectional Services) on June 6, 2017.


WAREHAM PLANNING BOARD


George T. Barrett, Chair

Michael A. Baptiste, Sr., Vice Chair


Michael Fitzgerald, Clerk


John P. Cronan, Member


Robert Reed, Member

June 6, 2017

This decision shall not take effect until (a) a copy of this decision certified by the Town Clerk to the effect that twenty (20) days have elapsed since the decision was filed in the Office of the Town Clerk without any appeal having been filed or that any appeal filed has been dismissed or denied has been recorded in the Plymouth County Registry of Deeds or with the Assistant Register of the Land Court for Plymouth County, and (b) a certified copy indicating such Registry recording has been filed with the Board.

Notwithstanding the foregoing, however, the petitioner may exercise his rights hereunder prior thereto, at its own risk that this approval may be appealed, as set forth below, and that a court may reverse this approval, and that any construction performed hereunder may be ordered undone, per Massachusetts General Laws, Chapter 40A, Section 11.

Any person aggrieved by a decision of the Planning Board has the right to appeal such decision to the Superior Court, the Land Court, or the District Court of the Commonwealth of Massachusetts pursuant to Massachusetts General Laws, Chapter 40A, Section 17, by filing such appeal within twenty (20) days after the date on which the decision was filed with the Town Clerk.

ABUTTERS LIST 2707 Cranberry Highway, Wareham, MA (Planning Board)		
MAP#	LOT # (S)	OWNER'S NAME & MAILING ADDRESS
133	1000C	Manuel & Faith Demiranda 2648 Cranberry Highway Wareham, MA 02571
133A	B/1	David A Avery 7A Meadowlark Drive Unit 1 Wareham, MA 02571
133A	B/2	Peter R & Joseph W Latham 7B Meadowlark Drive Wareham, MA 02571
133A	24	Kenneth P & Karen A Silva 13 Whippoorwill Way Wareham, MA 02571
133A	23	John R & Joanne Ayala 15 Whippoorwill Way Wareham, MA 02571
133A	22	Paul F & Judith Kaspar 3524 Malachite Drive Zephyrhills, FL 33540
133A	21	Robin A Enos 19 Whippoorwill Way Wareham, MA 02571
133A	20	William G Hardsog 21 Whippoorwill Way Wareham, MA 02571
133A	19	Henry B & Doris A Pennington 454 County Road W. Wareham, MA 02576

CERTIFIED LIST OF ABUTTERS AS
 THEY APPEAR ON OUR TAX LIST
 AS OF: 09-26-16
Elizabeth Tripp
 BOARD OF ASSESSORS

MAP#	LOT # (S)	OWNER'S NAME & MAILING ADDRESS
133A	18	Gabriel A & Shelley M King 4 Pheasant Ave Wareham, MA 02571
133A	17	Hugh D & Maryann McGonagle 2 Pheasant Avenue Wareham, MA 02571
115	C1	Martin Ober <i>2712 CRANBERRY Highway</i> Wareham, MA 02571
115	1	Donald J Rogers 2714 Cranberry Highway Wareham, MA 02571
115	2	Charles & Victoria Rohrbach 2712 Cranberry Highway Wareham, MA 02571
115	3	Marcus Pina & <i>Rebecca Annabe</i> 2710 Cranberry Highway Wareham, MA 02571
115	4	Kristen J. Frey 2708 Cranberry Highway Wareham, MA 02571
115	A,A2	Richard L Bither PO Box 206 Wareham, MA 02571
115	11	Sharon L. Faniel 6 Spruce Street Wareham, MA 02571
115	10	Joan C. Florindo 4 Spruce Street Wareham, MA 02571

MAP#	LOT # (S)	OWNER'S NAME & MAILING ADDRESS
133	1000B1	Manuel . Demiranda 2648 Cranberry Highway Wareham, MA 02571
133	1000B2	Fadi & Nada Zakroun, Trustees 40 Church St. - Suite 101 Wareham, MA 02571