

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

**Petition #36-16**

**Applicant: Wareham New Bedford Elks Club**

**Owner: Same as applicant**

**Owner Address: 2855 Cranberry Highway, P.O. Box 566, East Wareham, MA 02538**

**Subject Property: 2855 Cranberry Highway, East Wareham, MA 02538**

**Subject Property Parcel ID: Assessors Map 129 – Lot 1151**

**Date of Public Hearing: August 24, 2016**

**Date of Notice: September 6, 2016**

### **Decision/Reason:**

The Board voted to grant a Variance from the requirements of Section 1126 and Section 313 of the Wareham Zoning Bylaws to replace an existing sign with an electronic message board for Petition #36-16 – Wareham New Bedford Elks Club–Assessors Map 129 – Lot 1151, 2855 Cranberry Highway, P.O. Box 566, East Wareham, MA finding the following:

- The requested Variance meets the statutory requirements for granting a Variance pursuant to Massachusetts General Laws Chapter 40A§10.
  - There are circumstances related to soils, shape and topography that especially affect the subject property that do not generally affect the zoning district in which the structure or land is located.
  - A literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner.
  - Desirable relief may be granted without detriment to the public good. The proposed is not detrimental to the public good: it is an improvement to the existing structure and to the neighborhood.
  - The Variance will not nullify or substantially derogate from the intent or purpose of the Bylaw.
- Further, the Variance is granted with the following conditions.

### **Conditions:**

1. Upon completion, an “As Built” plan is to be submitted to the Building Department with a copy provided to the Board of Appeals.
2. Any relief not expressly granted hereunder is hereby denied.
3. For this decision to become effective, a copy of said decision & notice thereof must be filed at the Plymouth County Registry of Deeds & must bear the certification of the Town Clerk that twenty (20) days have elapsed & 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.
4. If substantial use or construction permitted by this Special Permit/Variance 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 & the amount of time required to pursue & 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.
5. 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.

**VOTE: Unanimous (4-0-0) By the Wareham Zoning Board of Appeals**