

NOTICE OF DECISION OF THE WAREHAM ZONING BOARD OF APPEALS

Petition #45-16

Applicant: Lenord G. Cubellis

Owner: Same as Applicant

Owner Address: 55 Collier Road, Scituate, MA 02066

Subject Property Address: 197 Onset Avenue, Onset, MA 02558

Subject Property Parcel ID: Assessors Map 1 – Lot 1001

Date of Public Hearing: December 14, 2016

Date of Notice: February 22, 2017

Decision/Reason:

A motion was made and seconded to grant a Variance to construct an addition for Petition #45-16 – Lenord Cubellis – 197 Onset Avenue, Onset, MA. VOTE: 3-2-0.

The request for a Variance failed to carry for lack of four positive votes of the five member Board as required by MGL, Chapter 40A, Section 15 and further, the Board finds that the impacts from the expansion/addition will be detrimental to the neighborhood.

Conditions:

1. Any relief not expressly granted hereunder is hereby denied.
2. 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.
3. 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.
4. 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: (3-2-0) By the Wareham Zoning Board of Appeals