

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 \$80.00.

\*\*The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.73 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: 6 WEST BLVD. MAP: 1 LOT: 5794529B  
ZONING DISTRICT: OVII  
USE REQUESTED: ARTIST STUDIO AND LIVING QUARTERS - SEE ATTACHED  
OWNER OF LAND & BUILDING: DAVID HALBERSTADT TEL.# 508-295-3002 <sup>PERMIT B-20-348</sup>  
ADDRESS OF OWNER: 11 SUNSET AVE. ONSET 02558-0972  
PERSON(S) WHO WILL UTILIZE PERMIT: NICHOLAS F. GIAMPANE - LIC # CS-050328  
ADDRESS: 10 CHARLES ST., SANDWICH, MA 02563  
DATE: 8/27/2020 SIGNATURE: David Halberstadt

This application was received on the date stamped here:

Town Clerk: \_\_\_\_\_ Date: \_\_\_\_\_  
Tax Collector: Harley King Date: 8/27/20  
Planning/Zoning Dept.: \_\_\_\_\_ Date: \_\_\_\_\_  
Application fee paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Receipt: \_\_\_\_\_  
Advertising fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ Receipt: \_\_\_\_\_  
Abutters fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ Receipt: \_\_\_\_\_

WAREHAM TOWN CLERK  
2020 AUG 27 PM 2:34

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: \_\_\_\_\_ Variance \_\_\_\_\_ Special Permit  Site Plan \_\_\_\_\_ Appeal \_\_\_\_\_

Date stamped in: \_\_\_\_\_ Date decision is due \_\_\_\_\_

Applicant's Name: DAVID HALBERSTADT

Applicant's Address: 11 SUNSET AVENUE, ONSET, 02558-0872

Telephone Number: 508-295-3002

Cell Phone Number: 617-645-9111

Email Address: HALBERSTADT.COBBS@GMAIL.COM

Address of Property/Project: 6 WEST BLVD.

Landowner's Name: DAVID HALBERSTADT

Owner's Address: 11 SUNSET AVENUE, ONSET, 02558-0872

Telephone Number: 508-295-3002

Contact Person: DAVID HALBERSTADT Telephone Number: 617-645-9111

Map 1 Lot 519 + 529B Zone OV II

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

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

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

---

# MORTON LAW LLC

---

184 Main Street Wareham, Massachusetts 02571 · 508-681-2334

September 14, 2020

Zoning Board of Appeals of Wareham

Memorial Town Hall

54 Marion Road

Wareham, MA 02571

*Re: Attorney Opinion Letter in Support of the Petition for 23-20 David Halberstadt -  
Special Permit and/or Variance – 6 West Boulevard*

Dear Board:

I represent Mr. David Halberstadt and Ms. Amanda Cobb for the above application to construct a garage on their property located at 6 West Boulevard in Onset.

**Background:**

My clients are longtime residents of Onset with a history of civic engagement in the Town. Mr. Halberstadt is a Town of Wareham member of the Board of Assessors, and Onset Fire District, Chairman of the new Fire Station Building Committee, and a member of the Board of Water Commissioners. His wife Amanda Cobb is an artist and President, Onset Bay Association, Board of Directors. They both see the beauty of our community here and want to upkeep and improve it. They own a home on Sunset Blvd and this property on West Blvd where they are seeking the Special Permit has an

interesting history. The property itself has been a clam shucking shack, a storage building, and of course a horse barn. Which is evidenced by the huge doors on the front of the property

The lot itself is undersized like the majority of the lots in Onset Village Residential District (OV2), currently with a building coverage of 24.9% and the Zoning requirements being 20%. Similarly, the Maximum FAR for the lot is 26% and the proposed build would put it up to 33.5% a less than 10% increase. Additionally using data from the assessors website, the 8 closest abutting properties have an average of 37.5% coverage and our proposed coverage is 33.5%. This type of build is not outside the “norm” for Onset.

My client is proposing to connect the garage to the main part of the building (Exhibit A Before and After). The purpose of the garage on the second floor will be for a garage space. There will be no living space above the garage.

**Support for this project: there is no substantial detriment to the neighborhood.**

I have attached 5 letters of support (Exhibit B) for the project and offer them into the record. Most notably Richard Sniger of the Onset Fire Department has made clear that “ the layout of the competed building there is adequate room for egress and ingress to and from the building....” Also, that “the construction company has contacted the fire dept and compiled with the requirements of MGL 148 and the fire code.” Therefore they have contacted the fire department and compiled with their requirements. Also, abutters have stated that “ ..it will improve the surrounding properties. Hope to see it finished soon.” Kat Jones of the Onset Bay Association stated, “She is an advocate for the project and hope that you [the Board] also see the positive impact this will have for Amanda and David and the Village of Onset by allowing them to proceed with this project as planned.”

We seek relief from the Board on Approval for two separate Special Permits:

1. For increase in floor area ratio
2. Increase in lot coverage.

Recognizing that this building permit has already been approved but now was restricted after the leaving of the prior Building Commissioner, the homeowners and builder are just trying to do the right thing and hitting every step along the way. We ask that the Board consider the support from the community and see no detrimental harm in this project. The intent of Zoning By Law is to regulate and preserve the community. My clients are preserving one of the iconic buildings in Onset- keeping the integrity and style of the horse barn but making it practical for their family.

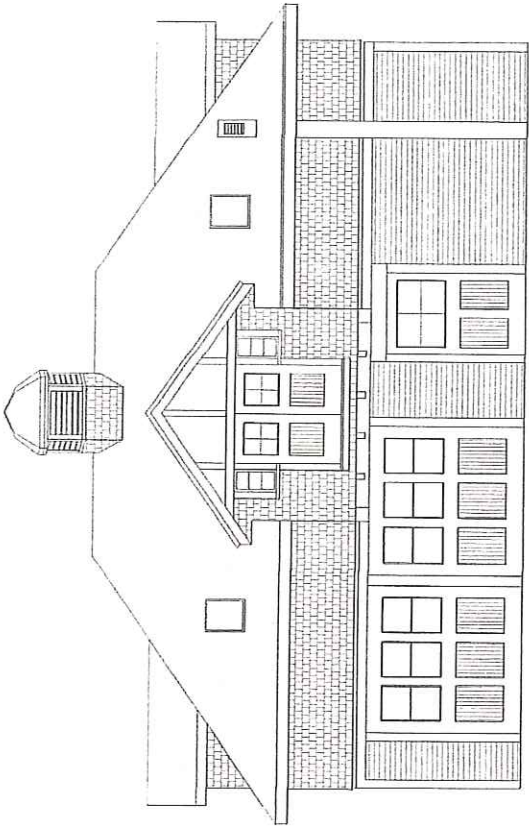
All this being considered, allowing these two special permits would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law.

Respectfully submitted,

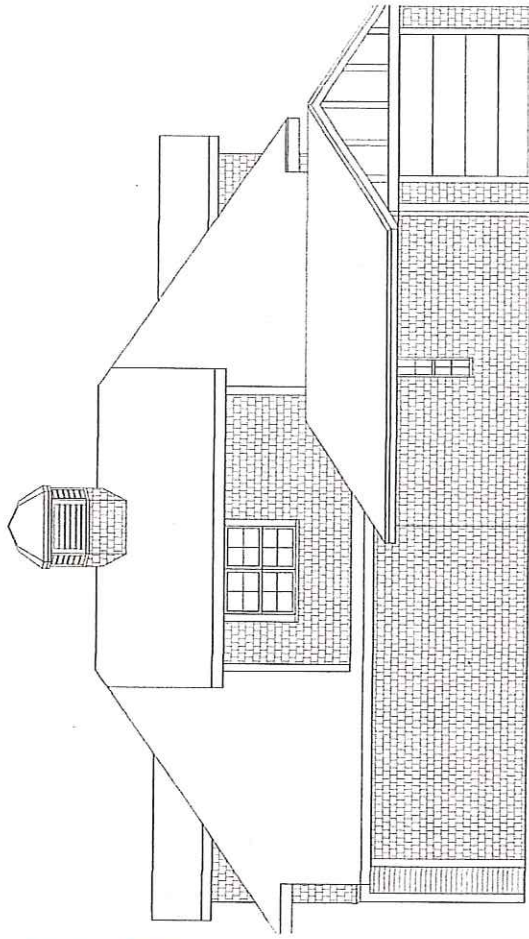
By \_\_\_\_\_

  
Julian A. Morton, Esq.

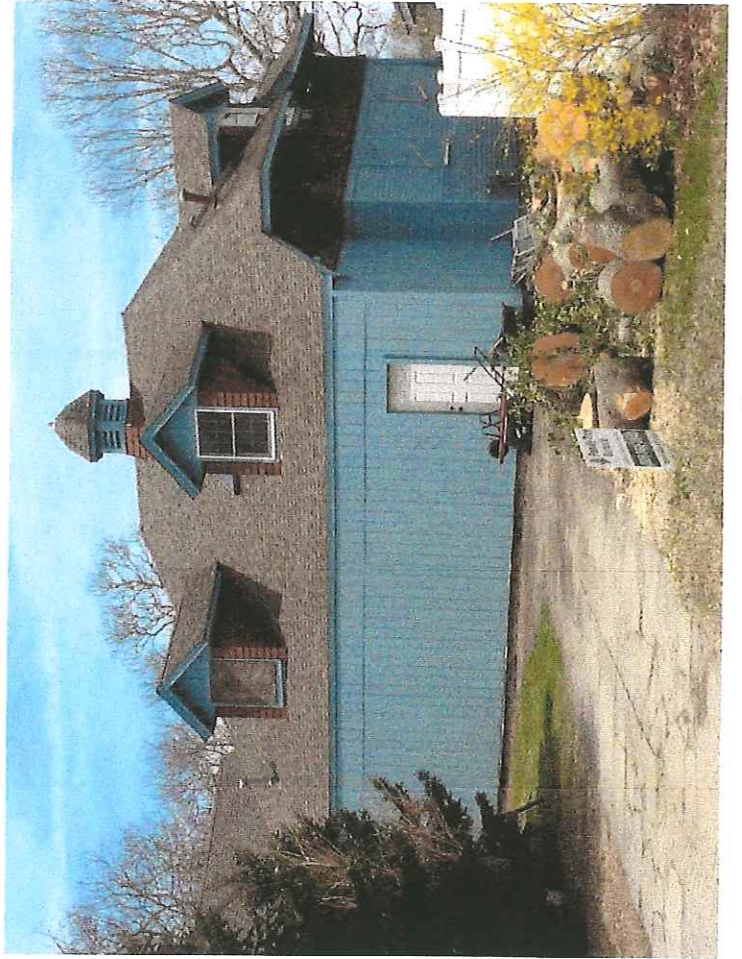
# Exhibit A



FRONT ELEVATION  
NORTHWEST  
SCALE: 1/4"=1'-0"



REAR ELEVATION  
SOUTHEAST  
SCALE: 1/4"=1'-0"



# Exhibit B



Melissa Goodell  
26 Nanumett Street  
Onset, MA 02558  
508-858-1168  
mgoodell0313@gmail.co

---

September 7, 2020

To Whom It May Concern:

I am writing this letter in support of Amanda Cobb and David Halberstadt regarding their property located at 6 West Boulevard, Onset, Massachusetts. I am urging the Zoning Board of Appeals to honor the Building Permit already issued and allow the renovation of this property to continue according to the original plans.

Amanda and David have demonstrated time and time again their willingness to be good citizens in the Town of Wareham and the village of Onset.

Amanda is currently President of the Onset Bay Association and has spent her Covid 19 summer organizing the cleaning of the beaches in order to keep the village beautiful and promote community pride and involvement with the volunteers.

David is not only an elected official for the Town of Wareham but also for the Onset Fire District. His fellow citizens have shown faith in him to do what's right for Wareham and Onset and he has not disappointed them. David is also a tireless volunteer on the Fire Station Building Committee in Onset.

In closing, it would be wise to consider that these good citizens would also be good neighbors at 6 West Boulevard.

Sincerely,

Melissa Goodell

Phone (508) 295-2122  
Fax (508) 295-5930

Richard P. Sniger  
Lieutenant/Fire Prevention

**Office of Fire Prevention**

Onset Fire Department  
5 East Central Ave.  
Onset, MA 02558

September 8, 2020

To whom it may concern,

It has come to my knowledge that the renovations and addition to the building located at 6 West Blvd within the Onset Fire District has been issued a stop work order. The stop work order on this building does pertain to the garage addition and not the original structure. The structure is non-conforming to begin with and with the addition of the garage brings the coverage to 33.5% of the lot, in an area that allows for 20% coverage. This being said with the layout of the completed building there is adequate room for egress and ingress to and from the building. In all other aspects of the project, the construction company has contacted the fire department and has complied with the requirements of MGL 148 and the fire code. Please contact me with any questions you may have concerning this matter.

In the interest of public safety,

A handwritten signature in black ink, appearing to read 'Richard Sniger', with a long horizontal flourish extending to the right.

Richard Sniger Lt/FPO  
Onset Fire Dept.  
508-295-2122

Jilian A. Morton, Esq.  
Morton Law LLC  
184 Main Street  
Wareham, MA 02571  
tel. (508) 681.-2334  
jam@mortonlawllc.com

To whom it may concern,

I have had the pleasure of knowing Amanda Cobb and David Halberstadt for a good part of the 20+ years I have lived in Onset. I have long admired their "carriage house" at 6 West Blvd myself for its unique structure and significant part of Onset's history.

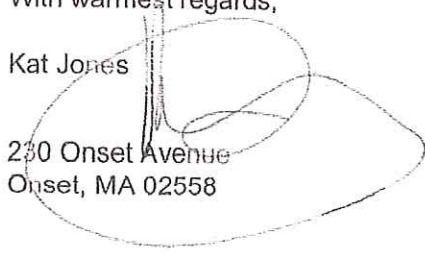
In speaking with Amanda and David over the years, it's clear it has been a longtime goal and dream of theirs to make all the necessary upgrades and renovations so that they can fully enjoy the space for its many potential uses, while also adding to the curb appeal and increasing value of the neighborhood.

I am an advocate for this project and hope that you also see the positive impact this will have for Amanda and David and the Village of Onset by allowing them to proceed with this project as planned.

With warmest regards,

Kat Jones

230 Onset Avenue  
Onset, MA 02558



---

**Fwd: 6 West Boulevard project**

---

**Halberstadt& Cobb** <halberstadt.cobb@gmail.com>  
To: Jillian Morton <jam@mortonlawllc.com>

Tue, Sep 8, 2020 at 7:41 PM

Sent from my iPhone  
David & Amanda  
[Halberstadt.Cobb@gmail.com](mailto:Halberstadt.Cobb@gmail.com)  
PO Box 872  
11 Sunset Avenue  
Onset, MA 02558-0872  
Onset [508.295.3002](tel:508.295.3002)  
Amanda cell 617.429.4152  
David cell 617.645.9111

Begin forwarded message:

**From:** john marsden <jmarsden4710@yahoo.com>  
**Date:** September 8, 2020 at 6:27:36 PM EDT  
**To:** Halberstadt & Cobb <halberstadt.cobb@gmail.com>  
**Subject: Re: 6 West Boulevard project**

Dave and Amanda,  
I have no problem with the work being done on the carriage house. Actually it will improve the surrounding properties. Hope to see it finished soon.  
John Marsden  
7 Longwood Ave.

On Friday, September 4, 2020, 05:26:53 PM EDT, Halberstadt & Cobb <halberstadt.cobb@gmail.com> wrote:

Hi John...

You must have seen that our builder has been hard at work on the renovation at 6 West Boulevard. Although we received a permit in July for the project to begin the first week of August, we are now being asked to go before the Zoning Board of Appeals on September 23 to receive a "special permit" due to some technical issues raised by the current Building Inspector.

By now you have also received a certified letter advising you of this public hearing. While we are hoping this is a formality and we will be allowed to move forward with the project, we would very much appreciate your support in the form of a brief letter or email addressed to us or to our attorney, Jillian Morton of Morton Law, LLC.

As you know, this carriage house is one of the more interesting buildings in Onset, and we are doing everything we can to preserve the character of the building, while making it structurally sound and bringing it up to current codes. The front facade of the building will be preserved as is, and the only visible change to the rear of the building (on Longwood Ave.) will be transforming 2 small dormers into

one large dormer, with the net addition of 34 square feet of floor space on the 2nd floor underneath this dormer.

The rear lot, again on Longwood Ave., will have a very basic garage which will be attached to the existing building, with a finish similar to the original carriage house.

If you have any questions, please don't hesitate to call or email us. Thank you for your neighborly support.

Sincerely ... David and Amanda

David Halberstadt & Amanda Cobb

[Halberstadt.Cobb@gmail.com](mailto:Halberstadt.Cobb@gmail.com)

P.O. Box 872

11 Sunset Avenue

Onset, MA 02558-0872

Home 508.295.3002

David cell 617.645.9111

Amanda cell 617.429.4152

Barbara Maloit  
16 Prince Rogers Way  
Marshfield, Ma. 02050  
And  
17 South Boulevard  
Onset, Ma.

September 9, 2020

Zoning Board of Appeals  
Wareham, Ma.

Re: Building Project at 6 West Boulevard, Onset, Ma.

To whom it may concern,

During the last year Amanda Cobb and I have become acquainted through both Facebook on the Onset, Ma. Site and also through the Onset Bay Association of which we are both members.

We became acquainted further discussing our mutual property and building projects and the vast amount of work and financial commitment that is entailed in renovating a building built in the last century, both to bring it up to code and also to preserve its historic presentation to the community so as not to disrupt the flavor of the overall community.

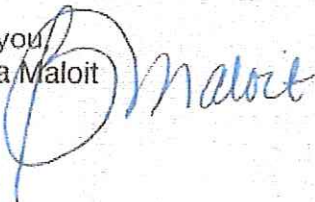
Ms. Cobb described to me the building she and her husband David own between West Boulevard and Longview Ave. and her dream of turning it into a studio to house her mothers loom and all of her fabric that she has collected over the years and also to provide space for her husband to work on his boats.

From the plans that I have seen, most of the work appears to be internal to the building and only a few square feet that were located under a dormer are added by bumping out that dormer which does not affect the original footprint of the current building.

The planned added garage is incorporated into the current structure and flows with the style and historic nature of the building. Additionally they are utilizing and recycling many of the parts of the original structure including the sliding barn doors to preserve the historic nature of the structure.

I do believe and am in favor of the project being allowed to go forward. Both Amanda and David are valued and long time members of the community and their only intent is to make it better by improving this structure and still maintaining its historic nature.

Thank you  
Barbara Maloit





# Town of Wareham BUILDING PERMIT

PERMISSION IS HEREBY GRANTED TO:

MAP: 1|||519|||  
 PERMIT #: B-20-348  
 EST. COST: 400000  
 FEE: 4200  
 CONST. TYPE: Wood (Type V) Residential  
 USE GROUP:  
 BLDG CODE ED.: 9th Edition  
 CATEGORY: Alterations  
 LOT SIZE: 5308  
 ZONING: OVR

CONTRACTOR: NICHOLAS F GIANFERANTE  
 LICENSE: CS-050328  
 OWNER: HALBERSTADT DAVID (INDIVIDUAL) HALBERSTADT DAVID TRUSTEE  
 APPLICANT: Nicholas Gianferante  
 AT: 6 WEST BLVD , WAREHAM, MA 02538  
 ISSUED ON: July 14, 2020

**TO PERFORM THE FOLLOWING WORK:** Remodel the interior of the building including: First Floor Art Studio, Second floor 1 bedroom living quarters with added second floor dormer. Build new attached garage. Reinforce existing structure.

<b>Electric</b> Underground: Service: Rough: Final:	<b>Gas</b> Underground: Meter: Rough: Final:	<b>Plumbing</b> Underground: Rough: Final:
<b>D.P.W.</b> Meter: House #: Water: Sewer:	<b>Fire</b> Oil: Smoke: Alarm: Sprinkler:	<b>Building</b> Excavation: Footings: Foundation: Rough Frame: Fireplace/Chimney: Insulation:
<b>Health</b>	<b>Assessor</b>	Final:

THIS PERMIT MAY BE REVOKED BY THE TOWN OF WAREHAM UPON VIOLATION OF ANY OF ITS RULES & REGULATIONS. ALL WORK TO MEET CODE 780 CMR.

"Persons contracting with unregistered contractors do not have access to the guaranty fund (as set forth in MGL c. 142A.)"

**QUITCLAIM DEED**

I, **JEROME HALBERSTADT**, in consideration of less than One Hundred Dollars, receipt of which is hereby acknowledged, hereby release, convey, assign and grant to **DAVID HALBERSTADT**, Individually, all of my right, title and interest in a certain parcel of real property located in the Town of Wareham, Plymouth County Massachusetts, known as Onset, and being Lots 519 and 529B as shown on plan entitled "Plan of Land of Onset Bay Grove Association, Wareham, Mass., Scale 100 ft. to an in., 1878, J.E. Starbuck, Surveyor, Cor. Hancock & Granite Sts., Quincy", recorded with Plymouth County Registry 0 Deeds, Plan Book 1, Page 58, to which plan reference is hereby made for a more particular description.

Together with all rights, privileges and easements connected therewith and subject to restrictions and easements of record and are hereby conveyed subject to any building and zoning law requirements which may be in force and applicable.

Being the same property conveyed by deed dated June 23, 1993 and recorded in Plymouth County Registry of Deeds, Book 12130, page 297.

WITNESS my hand and seal this 22rd day of December, 1994.

  
\_\_\_\_\_  
JEROME HALBERSTADT

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

December 22, 1994

Then personally appeared the above named **JEROME HALBERSTADT** and acknowledged the foregoing instrument to be his free act and deed, before me.

  
\_\_\_\_\_  
Edward FitzGerald-Notary Public  
My Commission expires: July 28, 2000

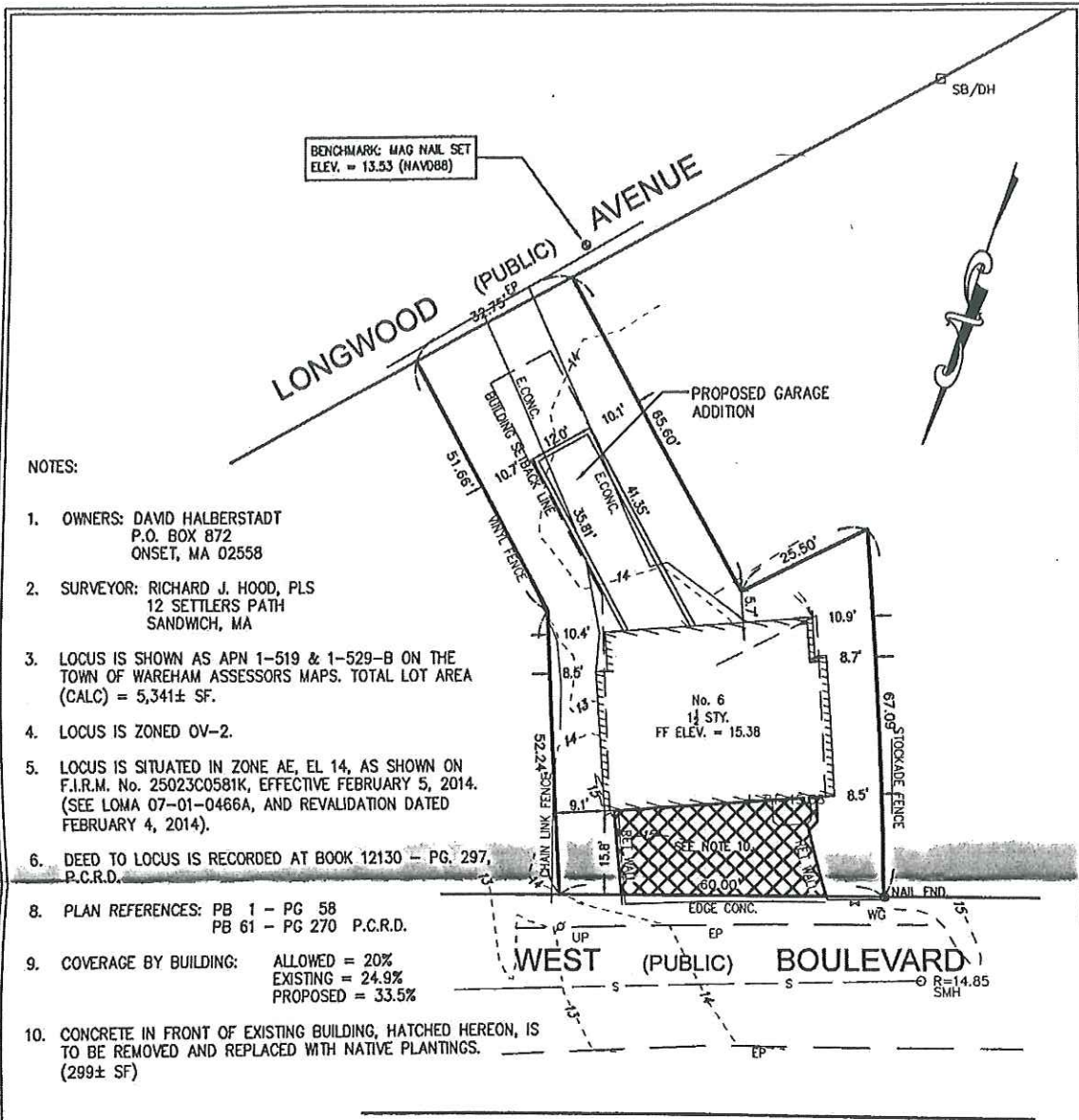
Premises: 6 West Boulevard, Onset, Wareham, MA  
Grantee's Address: 35 Stanton Rd., Belmont, MA 02178

RECORDED  
INDEXED  
MASSACHUSETTS  
PLMOUTH COUNTY  
REGISTRY OF DEEDS

Mail 1  
Edward FitzGerald Esq  
222 Third St  
Cambridge MA 02142

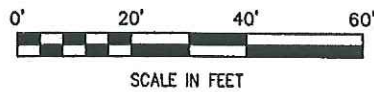
← END OF INSTRUMENT →





**NOTES:**

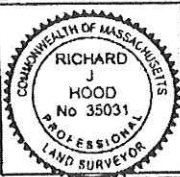
1. OWNERS: DAVID HALBERSTADT  
P.O. BOX 872  
ONSET, MA 02558
2. SURVEYOR: RICHARD J. HOOD, PLS  
12 SETTLERS PATH  
SANDWICH, MA
3. LOCUS IS SHOWN AS APN 1-519 & 1-529-B ON THE TOWN OF WAREHAM ASSESSORS MAPS. TOTAL LOT AREA (CALC) = 5,341± SF.
4. LOCUS IS ZONED OV-2.
5. LOCUS IS SITUATED IN ZONE AE, EL 14, AS SHOWN ON F.I.R.M. No. 25023C0581K, EFFECTIVE FEBRUARY 5, 2014. (SEE LOMA 07-01-0466A, AND REVALIDATION DATED FEBRUARY 4, 2014).
6. DEED TO LOCUS IS RECORDED AT BOOK 12130 - PG. 297, P.C.R.D.
8. PLAN REFERENCES: PB 1 - PG 58  
PB 61 - PG 270 P.C.R.D.
9. COVERAGE BY BUILDING: ALLOWED = 20%  
EXISTING = 24.9%  
PROPOSED = 33.5%
10. CONCRETE IN FRONT OF EXISTING BUILDING, HATCHED HEREON, IS TO BE REMOVED AND REPLACED WITH NATIVE PLANTINGS. (299± SF)



I CERTIFY THAT THIS PLAN IS BASED ON AN ON-THE-GROUND INSTRUMENT SURVEY BY RICHARD J. HOOD, PLS, ON 17FEB20.

*Richard J. Hood*  
RICHARD J. HOOD, PLS

27 AUG 20  
DATE

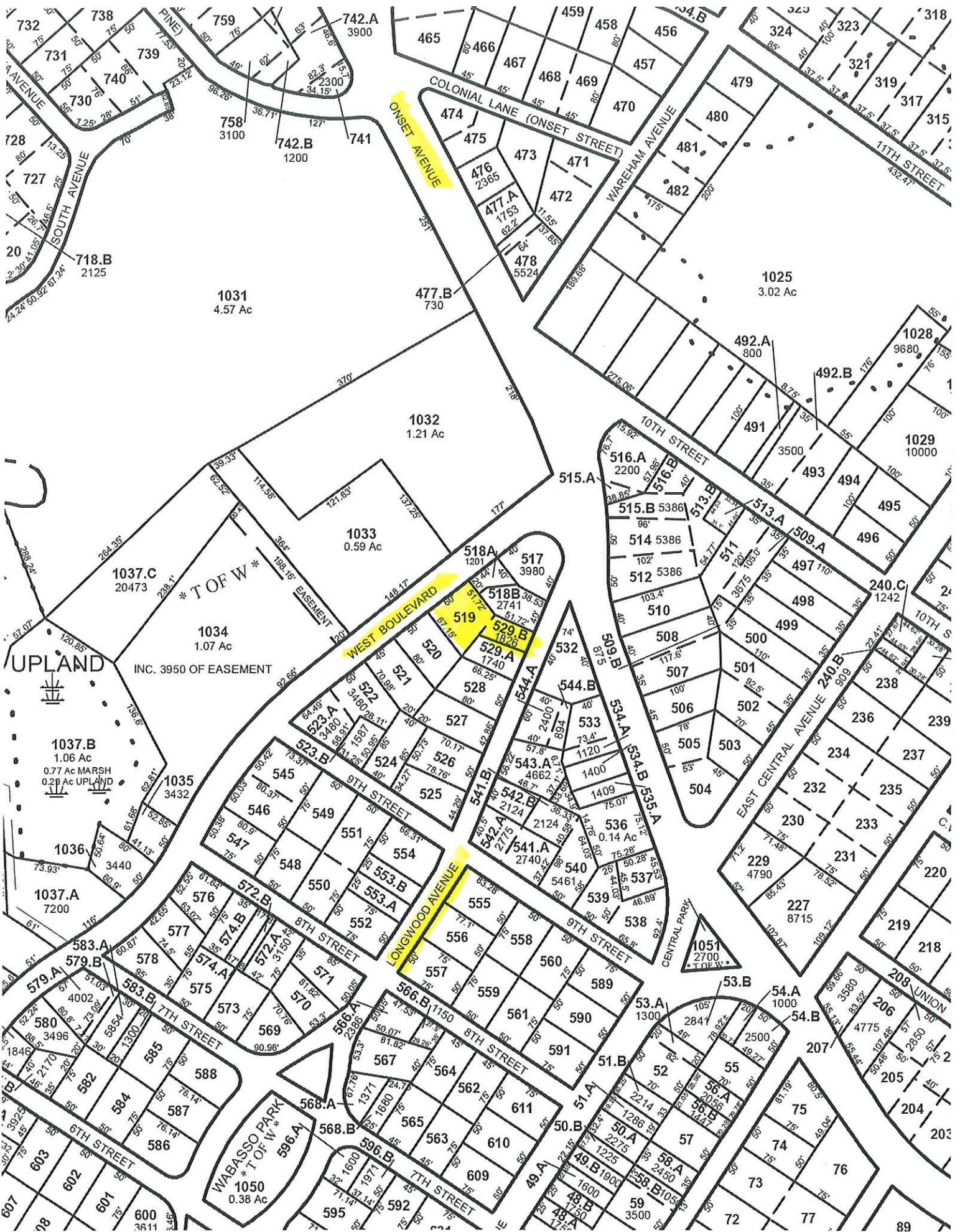


richard j. hood, pls  
land surveyors - civil engineers

12 settlers path - sandwich, ma 02563  
ph: 508.833.7100 - rikhood@gmail.com

JN: 20106	DRAWN: RJH	CHECK: rjh
DATE: 02MAR20	SCALE: 1" = 20'	REV: 27AUG22 (NOTE 3)

**SITE PLAN**  
PREPARED FOR  
**DANIELLE ENTERPRISES**  
IN  
**WAREHAM (ONSET), MA**



UPLAND

INC. 3950 OF EASEMENT

\* T.O.F.W \*

EASEMENT

MARSH

UPLAND

WABASSO PARK

\* T.O.F.W \*

CENTRAL PARK




Carriage House — 6 West Boulevard



Carriage House as viewed from Longwood Avenue

**NOTES: To accompany Application for a Special Permit — 6 West Blvd**

- Nick Gianferante is our structural engineer and builder, License CS-050328
- On June 2, 2020 Mr. Gianferante applied for a Town of Wareham Building Permit to remodel the interior of our building at 6 West Blvd. including: preserving the first floor Art Studio, second floor 1 bedroom artist living quarters with added second floor dormer. Build new attached garage. Reinforce existing structure.
- On July 14, 2020 after Mr. Gianferante paid the required permit fees, Building Permit B-20-348 was approved and issued with a start date of August 3, 2020.



## Town of Wareham BUILDING PERMIT

PERMISSION IS HEREBY GRANTED TO:

<p>MAP: 1   519                    PERMIT #: B-20-348                  EST. COST: 400000                  FEE: 4200                  CONST. TYPE: Wood (Type V) Residential                  USE GROUP:                  BLDG CODE ED.: 9th Edition                  CATEGORY: Alterations                  LOT SIZE: 5308                  ZONING: OVR</p>	<p>CONTRACTOR: NICHOLAS F GIANFERANTE                  LICENSE: CS-050328                  OWNER: HALBERSTADT DAVID (INDIVIDUAL) HALBERSTADT DAVID TRUSTEE                  APPLICANT: Nicholas Gianferante                  AT: 6 WEST BLVD , WAREHAM, MA 02538                  ISSUED ON: July 14, 2020</p>	
---	--	--

**TO PERFORM THE FOLLOWING WORK:** Remodel the interior of the building including: First Floor Art Studio, Second floor 1 bedroom living quarters with added second floor dormer. Build new attached garage. Reinforce existing structure.

<p><b>Electric</b> Underground: Service: Rough: Final:</p>	<p><b>Gas</b> Underground: Meter: Rough: Final:</p>	<p><b>Plumbing</b> Underground: Rough: Final:</p>
<p><b>D.P.W.</b> Meter: House #: Water: Sewer:</p>	<p><b>Fire</b> Oil: Smoke: Alarm: Sprinkler:</p>	<p><b>Building</b> Excavation: Footings: Foundation: Rough Frame: Fireplace/Chimney: Insulation: Final:</p>
<p><b>Health</b></p>	<p><b>Assessor</b></p>	

THIS PERMIT MAY BE REVOKED BY THE TOWN OF WAREHAM UPON VIOLATION OF ANY OF ITS RULES & REGULATIONS. ALL WORK TO MEET CODE 780 CMR.

\*Persons contracting with unregistered contractors do not have access to the guaranty fund (as set forth in MGL c. 142A.\*

- On August 13, 2020 Building Inspector George Stuart, at his first inspection of some new concrete footings added to the existing foundation within the structure, mentioned to Mr. Gianferante that if he had seen the Permit Application he would not have approved it, and suggested that he thought it might be necessary to confirm zoning rules for the project. Having never encountered such a meeting with an inspector after a permit had been issued, Mr. Gianferante went to Town Hall and met with Building Commissioner David Morris. Mr. Morris told Mr. Gianferante that he was good to go and could continue the project without interruption. On August 15, 2020 Commissioner Morris emailed his confirming opinion as below:

8/17/2020

Yahoo Mail - 6 west blvd

6 west blvd

---

From: David Morris (dmorris@wareham.ma.us)

To: ngianferante@yahoo.com

Date: Saturday, August 15, 2020, 11:13 AM EDT

Hello Nick,

I have reviewed your application to remodel the existing structure to an art studio with second floor living quarters and add an attached garage. The address is in the OV2 district and currently zoned a commercial property and according to Table 622 of the Wareham Zoning bylaws, building coverage for non-residential Use has No Regulation (NR). Further, 1361 Line 1 states that a lawfully pre-existing non-conforming structure may be extended provided that it conforms to the current requirements of the Zoning By-law.

Thank you,

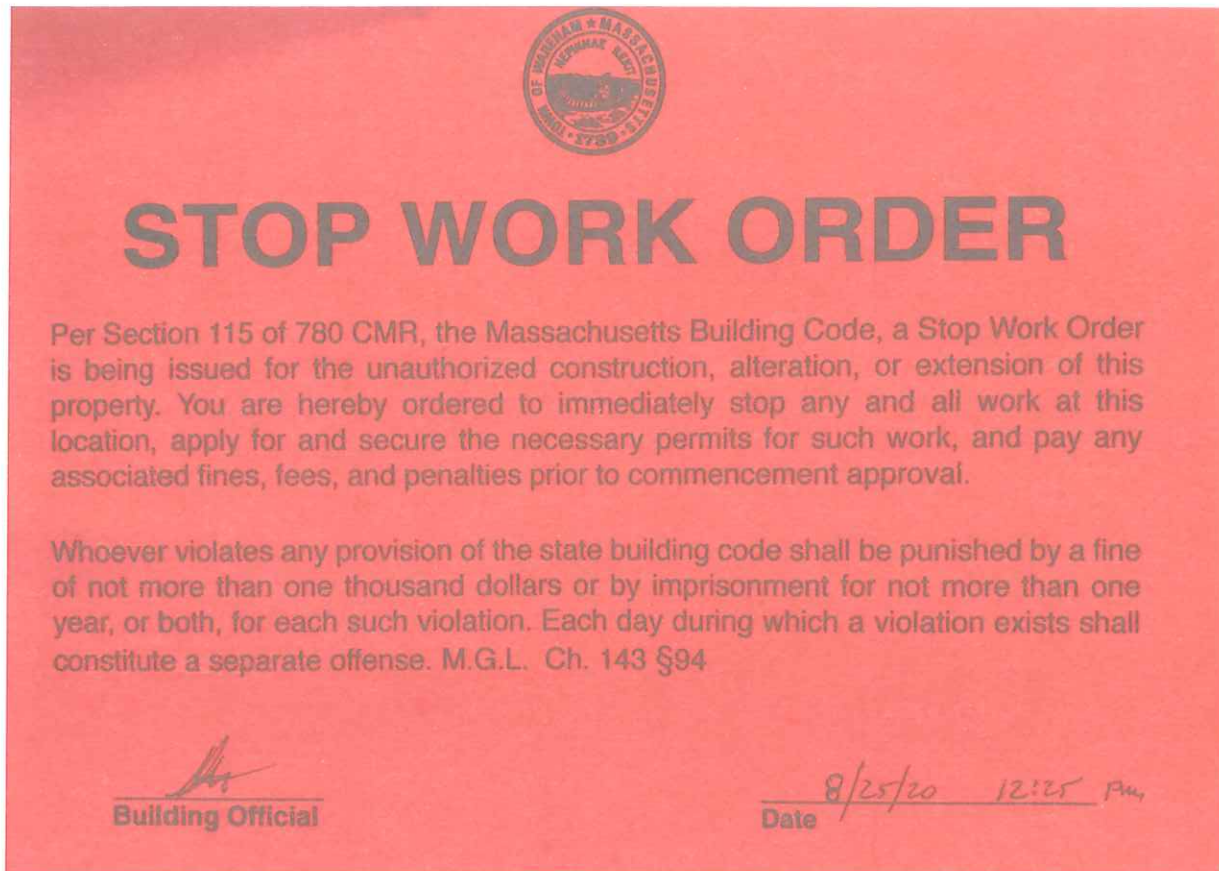
**David Morris**  
Town of Wareham  
Building Commissioner  
dmorris@wareham.ma.us  
508-291-3100

**Disclaimer**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer and more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

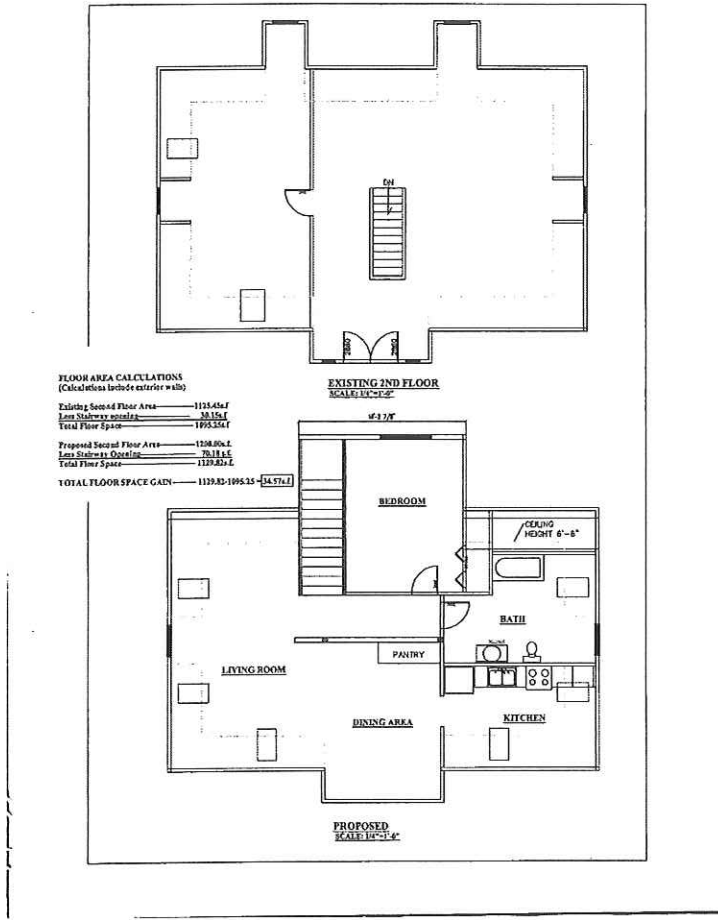
- Work on the project continued, and on August 24, 2020 excavation for the foundation of the new garage began, and initial concrete was poured on August 25, 2020. While the crew was at lunch on the 25th, Building Inspector George Stuart pasted a Stop Work Notice on the building without any discussion with the work crew or Mr. Gianferante.



- That afternoon was spent with Mr. Gianferante, my wife Amanda Cobb, and me attempting to meet with Mr. Stuart, Mr. Sullivan, Mr. Buckland, and the new interim Commissioner David Riquinha, and anyone else who could help us understand how to react to these "out of the blue" steps, and minimize the impact and costs of the Stop Work Order. With input from Mr. Buckland and Mr. Riquinha we were pleased to see the Stop Work Order removed August 26, 2020. As required by Mr. Riquinha and Mr. Stuart, safety fences were purchased and installed to secure the work site.

- Based on discussions with David Riquinha August 26, 2020, we have assembled the information required to apply for a Special Permit to remediate any concerns raised with our previously approved Building Permit. The two issues Mr. Riquinha asked us to address in our Application for a Special Permit were lot coverage by building, and FAR (Floor Area Ratio increase).
- 6 West Blvd, is comprised of lots 519 and 529B and has been an existing non-conforming structure since my father Ernst Halberstadt acquired it from the Town of Wareham in 1970. It was his art studio until his death in 1987, and has been used by our family as an art studio, to store and archive his art and photography collections, as well as warehouse family belongings. Like almost all Onset Village properties, the combined lots became non-conforming with a combined lot area of 5308 sq. ft. when modern zoning required lots in OV II (previously OV Residential) to have a minimum of 10,000 sq. ft. Notwithstanding the building within OV II District has always had commercial uses, the existing carriage house exceeded new lot coverage requirements of 20%, as when purchased and long before, it was already non-conforming with lot coverage of 24.9% based on current zoning requirements. The addition of the garage to our existing non-conforming structure will increase the lot coverage to 35.5%. (See attached Plot Plan and Surveyor's calculated lot coverage by building.) The garage style will fit in with the existing structure, and will enhance the Onset Village community. Additionally, in Table 622 in the Wareham Zoning By-laws notes that Maximum Building Coverage for a building having an other residential use (in this case an Artist Studio as well as artist residence) would have NR=No Regulation, as opposed to a purely dedicated family residence which is not what was requested or covered by our Building Permit.
- FAR (= gross floor area/area of plot presented as a %) of the carriage house has resulted in it being an existing non-conforming structure (FAR = 46% either since my father purchased the building and/or the FAR requirements were made part of newer and revised zoning

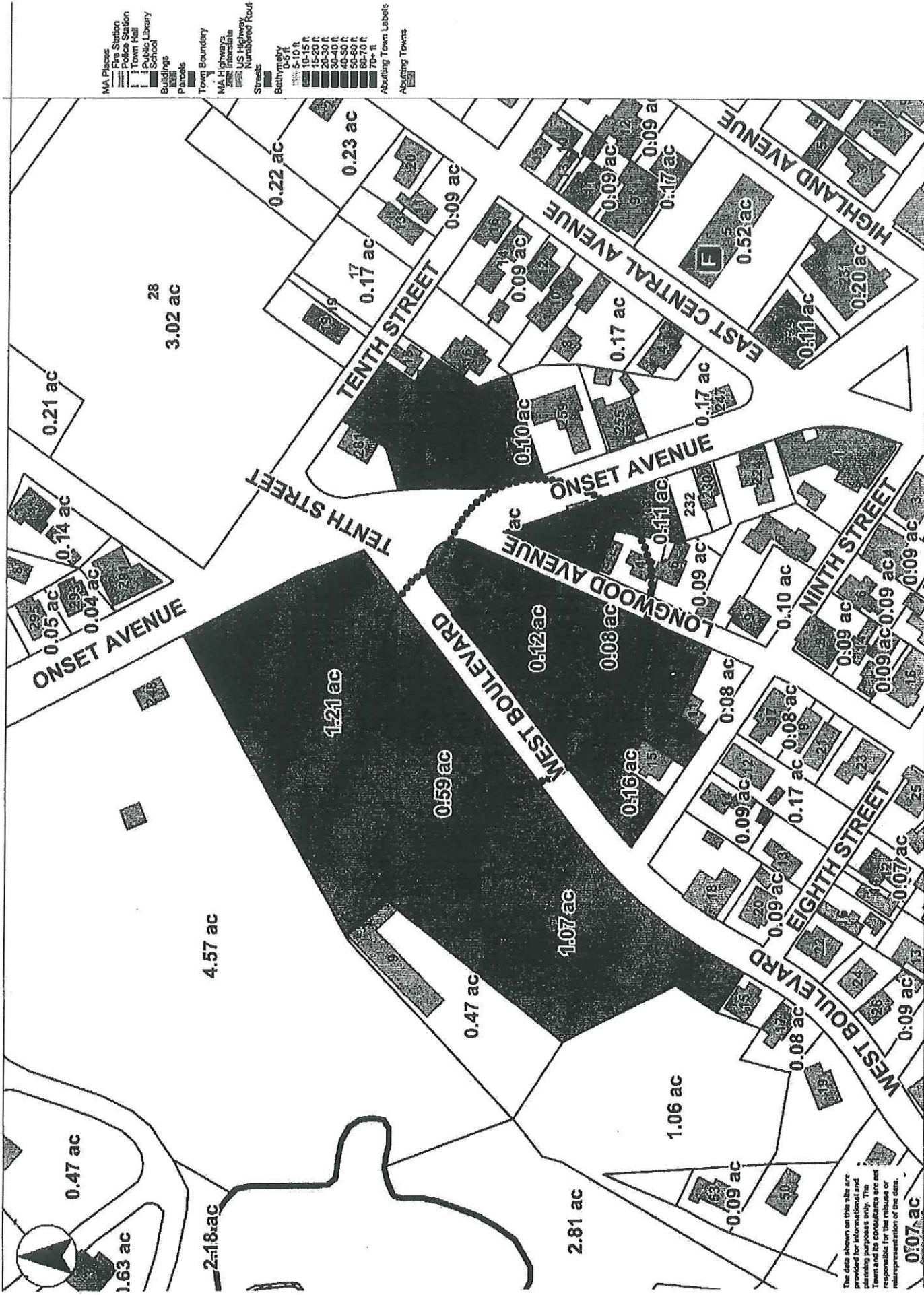
regulations). It should be noted that under article 1392 of the Zoning Regulations, dormers that do not extend above the height of the existing roof peak and do not add more than 400 square feet of floor area are allowed. The proposed renovations which include one large dormer replacing two smaller dormers will add under 35 sq. ft. of floor area on the second floor increasing the FAR to 47%. See calculations below



- It is our hope that the Board of Appeals will issue a Special Permit for our 6 West Blvd. project and find the renovations and proposed garage addition will not be more detrimental to the neighborhood than the existing non-conforming structure. This building is one of the more beautiful buildings in Onset Village, and the renovations and additions will enhance the neighborhood and allow the building to be more properly and actively utilized by our family.

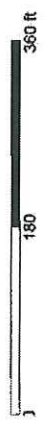


TOWN OF WAREHAM ABUTTERS		OWNER		CO-OWNER		STREET ADDRESS		TOWN		STATE		ZIPCODE	
MAP 1 LOTS 519 & 529B		HALL E CURTIS III		HALL PAMELA B		PO BOX 952		ONSET		MA		02558	
OWNER HALBERSTADT DAVID		BERANGER STEPHEN TRUSTEE		BERANGER REALTY TRUST II		672 COUNTY RD		W WAREHAM		MA		02576	
		CHERELLA ROBERT S JR TRUSTEE		CHERELLA FAMILY IRREV TRUST		PO BOX 553		ONSET		MA		02558	
		RAULINAITIS PAUL V		RAULINAITIS CARLYNE TRUSTEES		123 KIMBALL RD		DEDHAM		MA		02066	
		GUIGAS W FREDERICK		KINNIBURGH JOAN M		PO BOX 1389		ONSET		MA		02558	
		MONTEIRO WENDY J				PO BOX 994		ONSET		MA		02558	
		MARSDEN JOHN F				PO BOX 291		ONSET		MA		02558	
		O'CONNELL WENDY				90 FISHER ST UNIT 10		HOLDEN		MA		01520	
CERTIFIED ABUTTERS AS													
THEY APPEAR ON OUR TAX ROLLS													
AS OF 2/27/2020													
<i>M. Rita Atkins</i>													
ASSESSORS OFFICE													
REQUESTED BY													
DAVID HALBERSTADT													
508 295-3002													



- MA Plaques
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Plots
- MA State
- MA Town Boundary
- MA Highways
- Interstate
- US Highway
- Numbered Road
- Streets
- Bathymetry
- 0-5 ft
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Abutting Town Labels
- Abutting Towns

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 03/04/2020 at 04:40 PM



# TOWN of WAREHAM

*Massachusetts*

## BUILDING DEPARTMENT

David L Riquinha  
Acting Director of Inspectional Services

---

David Halberstadt  
PO Box 872  
Onset MA 02558

August 31, 2020

**RE:** 6 West Blvd

Map 1, Lot 519

It has been brought to my attention that a Building Permit was issued for your project at 6 West Blvd in Onset, MA. The permit was issued in error at no fault of your own and a complaint was brought to me following the start of your project. After reviewing the documentation that you provided with your application, I have concluded that two Special Permits are required to legalize your construction and to protect your project moving forward.

Your proposal increases the lot coverage as well as the F.A.R. where they are currently already non-conforming. The allowable lot coverage and floor area ratio in the OV-2 zoning district are both 20% and the existing structure exceeds those requirements before improvements. The new garage footprint as well as the additional living area intensify the pre-existing non-conformities; Therefore, increasing the non-conforming nature of the structure. A separate Special Permit is required for the increase in floor area ratio, as well as the increase in lot coverage. If the Board finds that either increase is a substantially more detrimental to the neighborhood a Variance will be required.

Your proposal is being referred to the Zoning Board of Appeals under the following sections of the Wareham Zoning By-law:

- **Article 6, Table 622, Village Districts**, you are proposing to increase the pre-existing, non-conforming lot coverage from 24.9% to 33.5% where 20% is permitted. A Special Permit must be secured from the Zoning Board of Appeals.
- **Article 6, Table 628, Dimensional Standards for Existing Small Lots**, you are planning to increase the floor area ratio where it is already non-conforming. This intensification requires a Special Permit from the Zoning Board of Appeals in order to proceed.
- **Article 13, Section 1335, Procedures**, alteration or expansion of a lawfully-existing non-conforming residential structure requires relief from the zoning Board of Appeals. A Special Permit is required for expansion of a lawfully non-conforming structure unless the Board of Appeals finds that the expansion will be substantially more detrimental to the neighborhood in which case a Variance will be required