
THE LAW OFFICES OF BELLO & MORTON, LLC

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

October 23, 2020

Nazih Elkallassi, Commissioner
Wareham Zoning Board of Appeals

Re: Legal Memorandum re Density in Assisted Living Facility per Wareham
Zoning By-Laws

Dear Mr. Elkallassi:

On September 23, 2020, the Board sought clarification regarding the density of the units in the assisted living project proposed in Petition for Special Permit/Variance for 238 & 240 Sandwich Road. From thorough review of the Town of Wareham Zoning By-Laws, I have found the following:

Our Zoning code does not define Assisted Living Center but does provide a close definition under Section 340 Use Definitions 340.5 Intermediate Care Center:

“A facility providing accommodations and needed medical care and supervision at a lower level than a nursing home. Intermediate Care Home shall have the same meaning as Convalescent Home.”

There was discussion at the hearing of the 650 square foot requirement for 5 or more family dwelling.

“5 or more family dwelling

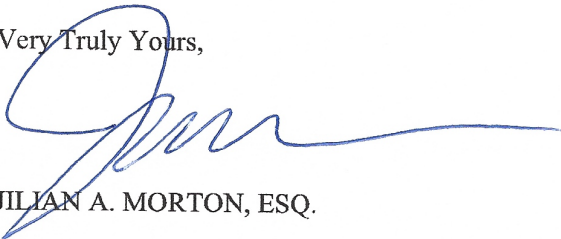
A dwelling containing five or more separate family dwelling units, each unit containing a minimum of 650 square feet of livable floor space, exclusive of closets and bathrooms.”

Upon thorough review of the Code, that definition is under the Use definitions for Residential Uses Section 340.2.

The applicant is in the Commercial Strip (CS) district which allows by right the use for Intermediate Care center as an institutional use. Therefore, respectfully, the comparison of the project a residential use size is not applicable in this case. The questions as to the density of the number of units or their size on the property is not determined by the Code.

All things considered; I respectfully note that the Zoning By-Laws do not have guidance for the density question other than there are no provisions covering our specific situation.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Julian A. Morton", with a long horizontal flourish extending to the right.

JILIAN A. MORTON, ESQ.

Cc Client

Mr. Kenneth Buckland, Town Planner