

---

# 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

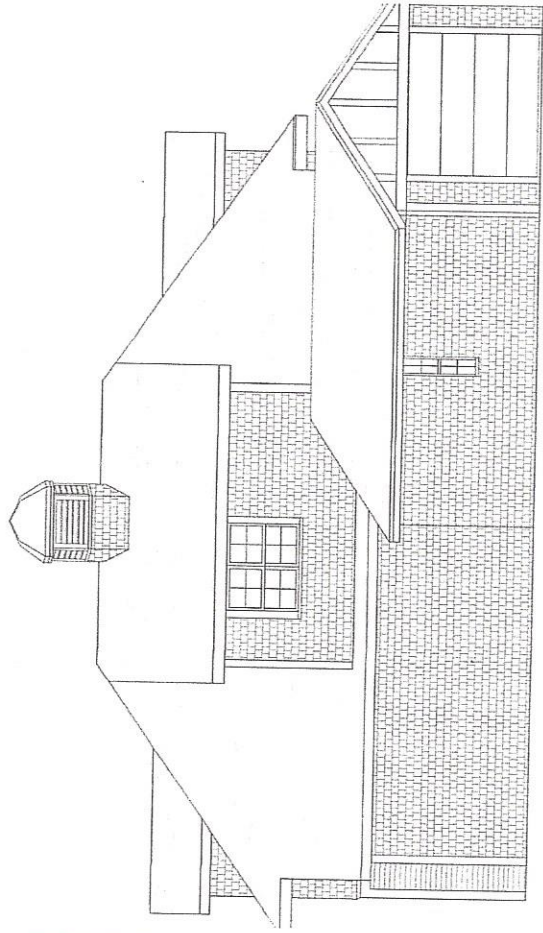
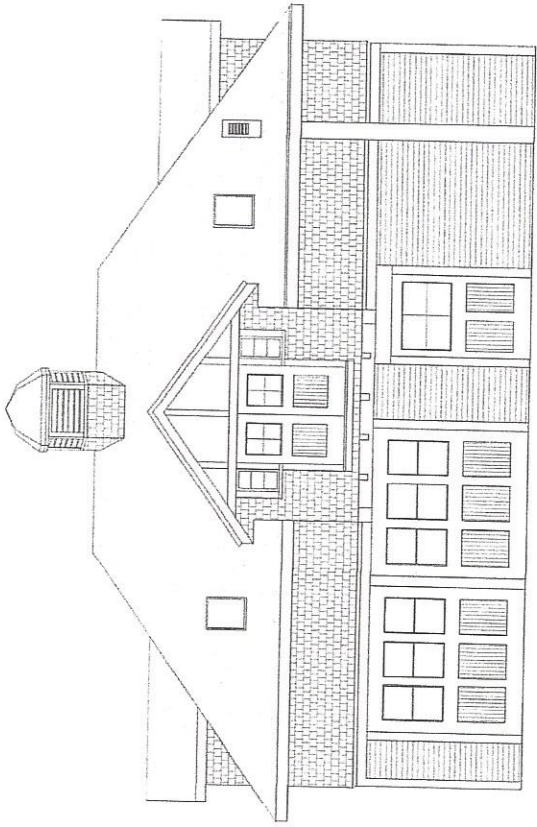




FRONT ELEVATION  
NORTHWEST  
SCALE: 1/4"=1'-0"



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', written in a cursive style.

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  
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

