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# *THE LAW OFFICES OF BELLO & MORTON, LLC*

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December 7, 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 #27-20 JCMA Realty LLC c/o  
John Salerno – 169 Onset Ave, Onset MA 02588*

Dear Board:

I represent Mr. Salerno for the above application to construct a 2 Bedroom 2 Unit residential building in the heart of Onset.

**Background:**

My client John Salerno of JCMA Realty LLC is the owner of the Glen Cove Hotel and Marc Anthony's restaurant, both staples to the ever expanding and growing Onset Village. The Salerno's have been highly invested in the economy of our village and taken care to be mindful of the needs of the community. We all are familiar with the incredible restoration of the Glen Cove Hotel that Mr. Salerno and his team completed. Certainly, now a destination for tourists and locals

alike and a great asset to our Town. Mr. Salerno is now before you seeking to take the vacant lot next to his hotel and construct a two-story residential unit whereas he will live on the first floor and rent the second story.

The lot itself is undersized like the majority of the lots in Onset Village Residential District (OV1). The proposed build will have a Floor Area Ratio (F.A.R.) of 51% where 20% is permitted. Therefore per the Building Commissioner's letter a Variance must be sought by the Board. We appeal here:

**The Statutory requirements are met:**

We are seeking a Variance as to the F.A.R. per Article 6, Table 628, Existing small lots in Village Districts. I submit my analysis of reviewing this property under that criteria for Variance as laid out in the Towns Bylaws.

1. **Unique nature of the Lot:** This lot is unique in that its location is in between the Glen Cove Hotel on Onset Ave overlooking Onset Harbor. It is one of the last vacant lots on a strip of valuable land here in Wareham. The lot has a unique history. In 1993 the building that was located on it was actually moved 213 Onset Ave. That structure had an FAR of 62% when located on the 169 Onset Ave location. Most recently the property was a location of a tiki bar prior to the Salerno's owning the property and the Glen Cove Hotel. Its location in comparison to other properties is unique in that this part of Onset is surrounded by hotels, apartments and other large buildings. A unit that only had 20% FAR, frankly would not be esthetically pleasing and look out of place in an area. The proposed build is taking into account the history of the property (See architectural renderings submitted by applicant). The facade will keep with the integrity of the village and improve property values. The

applicant has submitted historical photos of the prior build as well which shows what a structure with 62% FAR looked like next to the Hotel. Its specific lot location is what makes this lot unique and qualifying for a Variance.

2. **Hardship to the Petitioner if Literal Enforcement of the By-Laws:** If my client is denied the Variance he is seeking then, he will not be able to build his two units as desired and unable to add a source of income with the property or his own residence. Its location to the Hotel makes this lot ideal for Mr. Salerno as a business owner to be physically close to his business – a business owners dream. The property would be a source of rental income for him as well as providing a much need rental unit for a resident of Wareham. We all know the need for rental apartments for the residents of our town in this housing crisis. Further this property will be owner occupied which in my experience as real estate attorney has shown me that the units that are owner occupied are maintained to the highest level. There is pride of ownership.

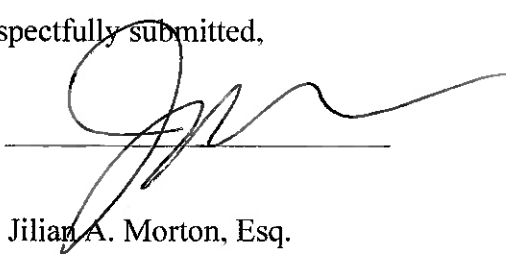
3. **Desired relief should be granted without Substantial Detriment to the public good:** The property sits on the hill overlooking one of the most majestic parts of Wareham. My client has taken into account the integrity of the neighborhood. He has received numerous letters in support of the plans. The increase in the FAR will not be out of the norm for this part of Onset with the surrounding properties all having an average FAR of 58% (see applicant's submission of the assessor's map with these calculations). The abutters have noted that "...we feel this development would complete the vacancy that currently exists where previously a house that was built in 1883 resided for 110 years."

4. **No Derogation from the intent or purpose of such Ordinance or by-law:** The purpose of the By-Law is clearly laid out in Article 1 Section 130 of which includes “to preserve and increase amenities by the promulgation of regulations to fulfill said objectives”. The approval of this project would provide a business owner and prominent member of our community not only a home for him to live in but also a build to keep the integrity of our Onset Village. Projects like this is we want to see here in Wareham; rehabilitating the historical nature of Onset village and adding value to our community for generations. Keeping in harmony with our towns bylaws and the nature of the builders design and vision, this project would be of value to Wareham.

All things considered allowing this Variance would not be detrimental to the neighborhood and certainly would not derogate from the intent of the Zoning By Law.

Respectfully submitted,

By \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Jilian A. Morton', is written over a horizontal line. The signature is fluid and cursive.

Jilian A. Morton, Esq.