



TOWN OF HAMILTON ZONING BOARD OF APPEALS MEETING

JANUARY 5, 2022 – 7:00 P.M.

Meetings are being held In-Person for Board Members and Applicants only at 577 Bay Road, Hamilton MA, Town Hall, first floor Memorial Room. All other participants may join the meeting via Zoom and phone-in options.

Join Zoom Meeting

<https://us02web.zoom.us/j/81289298823?pwd=UWRtcnM1Z0k0NzVZK2hpbXgzTVJhZz09>

Meeting ID: 812 8929 8823

Passcode: 793618

One-tap mobile: 1-929-205-6099 US (New York)

Find your local number: <https://us02web.zoom.us/u/kiJaHQpo4>

1. **PUBLIC HEARING**: APPLICANT IS SEEKING RELIEF FROM ZONING BYLAW SECTION 5: NON-CONFORMING USES AND STRUCTURES, TO CONSTRUCT AN ADDITION AND A DECK. THE PROPERTY IS LOCATED AT 15 RUST STREET, ASSESSOR'S MAP 55, LOT 167, OWNER IS TIMOTHY NEILL.
2. **PUBLIC HEARING**: APPLICANT IS SEEKING RELIEF FROM ZONING BYLAW SECTION 3: USE REGULATIONS, TO CONSTRUCT A 30' X 60' BARN. THE PROPERTY IS LOCATED AT 652 ASBURY STREET, ASSESSOR'S MAP 19, LOT 5, OWNER IS 25 BUTTERFIELD LLC.
3. **BOARD DISCUSSION**: WITH HAMILTON RESIDENT AND POTENTIAL BOARD MEMBER STEVEN DEROCHER
4. **REGULAR BUSINESS**: MEETING MINUTES
5. **REGULAR BUSINESS**: UPDATES FROM THE CHAIR: GENERAL BOARD DISCUSSION REGARDING ANY REGULAR BUSINESS OR UPCOMING APPLICATIONS ETC.

Items may be heard out of the listed order. The agenda items listed are those items which were reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Meeting dates, time, and location are subject to change as allowed by the Open Meeting Law. Please refer to the Town web page: hamiltonma.gov for details regarding a specific agenda. The Zoning Board of Appeals typically meets the first Wednesday of the month.

15 RUST STREET EXTENSION OR ALTERATION OF A
NON-CONFORMING USE, STRUCTURE OR LOT
APPLICATION

NOTICE OF PUBLIC HEARING

TOWN OF HAMILTON – ZONING BOARD OF APPEALS

THE TOWN OF HAMILTON ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON WEDNESDAY, JANUARY 5, 2022, AT 7:00 PM, IN THE MEMORIAL ROOM/577 BAY ROAD & VIA ZOOM/TELEPHONE.

APPLICANT IS SEEKING RELIEF FROM ZONING BYLAW SECTION 5: NON-CONFORMING USES AND STRUCTURES, TO CONSTRUCT AN ADDITION AND A DECK. THE PROPERTY IS LOCATED AT 15 RUST STREET, ASSESSOR'S MAP 55, LOT 167, OWNER IS TIMOTHY NEILL. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.

WILLIAM BOWLER, CHAIR

Public Hearing Timeline for 15 Rust Street

- Public Hearing Notice date stamp and posted by Town Clerk on 12-14-2021
- Public Hearing Notice sent to property owners listed on the certified List of Abutters on 12-27-2021
- Public Hearing Notice sent to the abutting Towns on 12-27-2021
- Public Hearing Notice hand delivered to Board of Health, Conservation Commission, Dept. of Public Works, Police Dept., Fire Dept. 12-27-2021
- Public Hearing Notice in the local newspaper, The Salem News on 12-17-2021 & 12-24-2021

\$75 paid
1009 check#

TOWN OF HAMILTON
ZONING BOARD OF APPEALS

APPLICATION FOR ZONING BOARD OF APPEALS HEARING
To be completed by all Applicants

Date Submitted: 12-03-2021

Applicant Name: Michael Broderick Phone:

Applicant Address: 15 Rust St.

Timothy Neill

Applicant respectfully petitions the Board of Appeal for the following:

That he/she is seeking (check all that apply):

- Variance: (State Type)
- Extension or Alteration of a Non-Conforming Use, Structure, or Lot
- Site Plan Review
- Abbreviated Site Plan Review
- Special Permit: (State Type)
- Appeal of Decision of the Building Inspector
- Conversion for Temporary Living Area
- Comprehensive Permit
- Other:

Address of Property if different from Applicant Address above:

Owner of property if different from Applicant noted above:

Note: If not the owner of the property, applicant must provide proof they are either the holder of a written option to purchase the property (or) verification they have authority to act on behalf of the owner of the property.

Zoning District:

Existing Lot Size:

State Briefly what structures are on the property:

single family

State in detail what the petitioner desires to do at said subject property:

construct an addition, ~~open~~
extending the kitchen 3' and adding a 1st floor bathroom

State whether any petition as to the said premises has been submitted to this Board within the last five years. If so, give details:

—

State if any Building Permit has been granted to said premises within the past two years. If yes, give details:

—

Signed: MM

Address: 15 Rust St
Hamilton

Phone: 781-589-7571

Contact Email Address:
Mike@Broderick.construction



TOWN OF HAMILTON
ZONING BOARD OF APPEALS

REQUEST FOR FINDINGS OF FACT
EXTENSION OR ALTERATION OF A NON-CONFORMING USE

Date Submitted: _____

Applicant Name: Michael Boderick

Non-Conforming Property Located at: 15 Rust St

Note the Existing Non-Conformity (check all that apply):

- Lot Size
- Front Yard Setback
- Side Yard Setback
- Rear Yard Setback
- Lot Coverage
- Property/Building Use
- Other: _____

Will the proposed extension or alteration meet current zoning requirements:

- Yes
- No: State non-compliance of extension/alteration

Will the proposed extension or alteration further encroach on the existing non-conformity

- Yes: State further encroachment

- No

Applicant shall state that the extension or alteration reflects the nature and purpose of the previous use (or) that the extension or alteration is no different in kind in its effect on the neighborhood as compared with the previous use, for the following reasons:

Applicant shall state that the extension or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure for the following reasons:

Signed: MM

Address: 15 Rust St

Phone: 781-589-7571

APPLICATION CHECK SHEET
HAMILTON ZONING BOARD OF APPEALS

EXTENSION OR ALTERATION OF NON-CONFORMING USE

8 copies of all Materials. Refer to Instruction Sheet.
Section of the Zoning By-Law covering desired Board action(s)

Existing Non-Conformity – Check all that apply

- Lot size
- Lot coverage
- Side yard setback
- Front yard setback
- Rear yard setback
- Frontage
- Other. Specify. _____

Extension/Alteration of a single or 2-family residential structure is allowed as a matter of right if the extension or alteration meets either of the following:

- Existing structure is on a conforming lot but is non-conforming because it encroaches on a setback. The proposed alteration or extension will not change the setbacks that fail to conform. The entire structure meets all other requirements of the by-law.
- Existing structure is non-conforming solely because it is located on a lot which is non-conforming as to size and/or frontage as a result of a zoning change. Existing structure and alteration/extension meet all other current requirements of the zoning by-law (setbacks, height, lot coverage, etc).

Visual Materials Required - Scaled drawings showing at a minimum the following

1. Site Plan: Include at a minimum:
 - Plan showing total parcel of land
 - Title block with Date
 - Scale
 - North Arrow
 - All property lot lines with dimensions
 - Area of parcel of land
 - All building locations with dimensions of structures and dimensions to lot lines
 - Location and use of all adjacent structures with dimensions to lot lines if applicant is seeking relief to construct within 20 feet of another building or if applicant is seeking to meet the average front yard setback requirements in lieu of the 25 foot setback.
 - Zoning District including Watershed Protection areas and Historic District areas. If property falls within more than one district, plan shall show all district lines.
 - Location of wetlands protected areas.
2. Exterior Elevations of the Building
3. Scaled floor plan of both new and existing structure

Salem News, The



Publication Name:

Salem News, The

Publication URL:

www.salemnews.com/

Publication City and State:

Salem, MA

Publication County:

Essex

Notice Popular Keyword Category:

Notice Keywords:

15 rust

Notice Authentication Number:

202112281457017615514

1180225809

Notice URL:

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Notice Publish Date:

Friday, December 24, 2021

Notice Content

NOTICE OF PUBLIC HEARING
TOWN OF HAMILTON
ZONING BOARD OF APPEALS
THE TOWN OF HAMILTON ZONING
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APPLICANT IS SEEKING RELIEF
FROM ZONING BYLAW SECTION
5: NON-CONFORMING USES AND
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PROPERTY IS LOCATED AT 15
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55, LOT 167, OWNER IS TIMOTHY
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PLETE APPLICATION IS AVAIL-
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WILLIAM BOWLER, CHAIR
SN - 12/17, 12/24/21

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Salem News, The



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Notice Keywords:
15 rust

Notice Authentication Number:
202112281457226988101
1180225809

Notice URL:

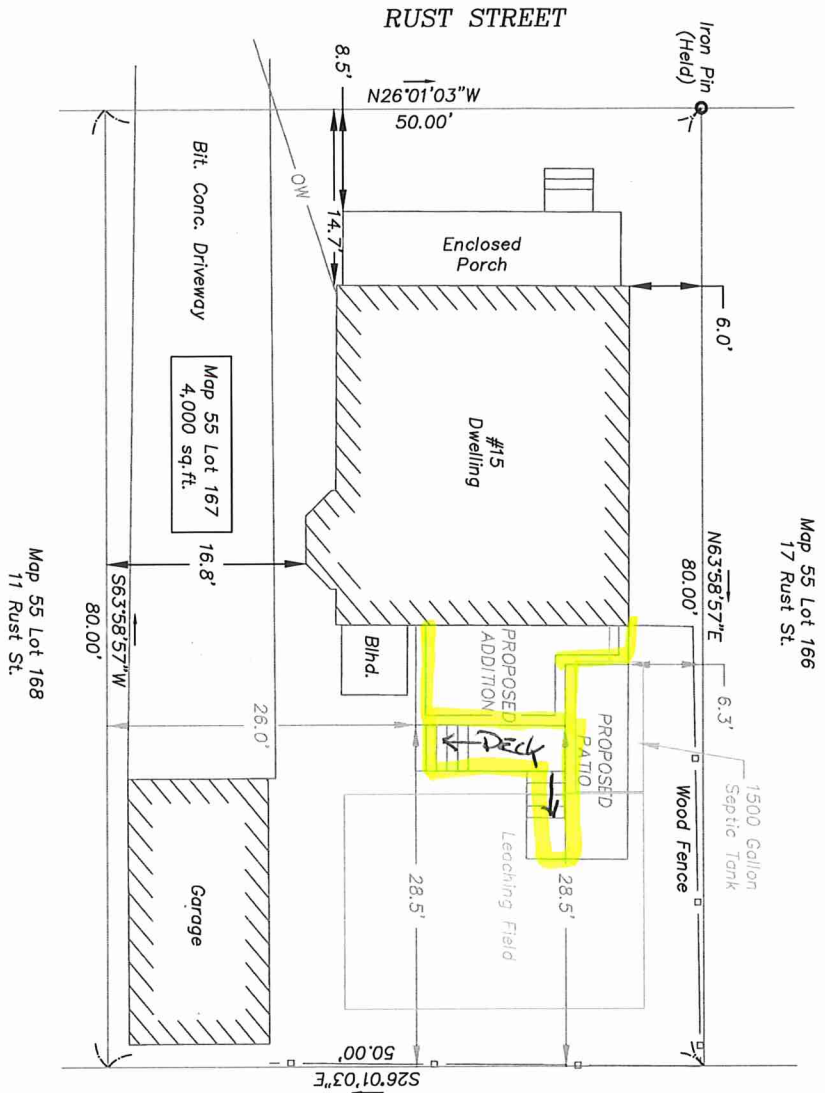
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Notice Publish Date:
Friday, December 17, 2021

Notice Content

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SN - 12/17, 12/24/21

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- REFERENCES:
- 1) Deed Book 39450 Page 454
 - 2) Plan Bk. 10 Plan 44
 - 3) Plan in Bk. 2471 Pg. 1
 - 4) Plan #347 of 1976

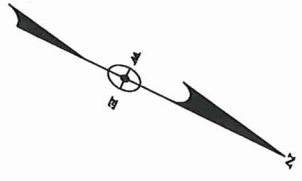


Prepared By
 LeBlanc Survey Associates, Inc.
 161 Holten Street
 Danvers, MA 01923
 (978) 774-6012

November 10, 2021 Scale: 1"=10'

PROPOSED PLOT PLAN
 15 RUST STREET
 HAMILTON, MASSACHUSETTS

Map 55 Lot 177
 12 Hamilton Ave.



652 ASBURY STREET SPECIAL PERMIT APPLICATION

NOTICE OF PUBLIC HEARING

TOWN OF HAMILTON – ZONING BOARD OF APPEALS

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WILLIAM BOWLER, CHAIR

Public Hearing Timeline for 652 Asbury Street

- Public Hearing Notice date stamp and posted by Town Clerk on 12-14-2021
- Public Hearing Notice sent to property owners listed on the certified List of Abutters on 12-27-2021
- Public Hearing Notice sent to the abutting Towns on 12-27-2021
- Public Hearing Notice hand delivered to Board of Health, Conservation Commission, Dept. of Public Works, Police Dept., Fire Dept. 12-27-2021
- Public Hearing Notice in the local newspaper, The Salem News on 12-17-2021 & 12-24-2021

DEC 1500P

RE



TOWN OF HAMILTON
ZONING BOARD OF APPEALS

REQUEST FOR FINDINGS OF FACT
VARIANCE

Date Submitted: 1 DEC 21

Applicant Name: JOHN MICHAUD

Property Located at: 652 ASBURY ST. HAMILTON, MA

That literal enforcement of the Zoning By-Law would impose a substantial hardship on the petitioner due to circumstances relating to the soil conditions, shape or topography of the land or structures especially affecting the subject property but not affecting generally the area in which it is located, for the following reasons:

THE REASON FOR THIS REQUEST OF A VARIANCE FROM THE BY-LAW 3.1 TABLE OF USE REGULATIONS FOR A GARAGE W/MORE THAN 4 MOTOR VEHICLE SPACES IN ZONE RA. THE BARN WILL BE USED FOR HORSES ON MAIN LEVEL WITH SPACE AT BASEMENT LEVEL FOR PROPERTY MAINTENANCE.

That no substantial detriment to the public good would exist were the variance granted, for the following reasons: THE OWNER AT 652 ASBURY INTENDS ON USING THE EXISTING 6 CAR GARAGE FOR HIS FEW CARS THEY COLLECT.

BY HOUSING ALL VEHICLES WITH-IN EXISTING & PROPOSED BUILDINGS IT WILL MAINTAIN RA ZONING KEEPING WITH THE NATURAL WOODED BEAUTY OF THE AREA OF HIKING & HORSE TRAILS.

That no nullification or substantial derogation from the intent or purpose of the Zoning By-Law ^{HIKING} would exist were the variance granted, for the following reasons:

OUR INTENT IS TO MAINTAIN THE RA ZONING. WE FEEL BY GRANTING OUR REQUEST TO BUILD THIS BARN IT WILL NOT DIMINISH THE ZONING BY-LAWS.

Signed: John R. Michaud

Address: 584 HALE ST

PENNS CROSSING, MA P.O. BOX 104

Phone: 978-500-8500

6 car garage
single car
garage

APPLICATION CHECK SHEET
HAMILTON ZONING BOARD OF APPEALS

VARIANCE

8 copies of all Materials. Refer to Instruction Sheet.
Section of the Zoning By-Law covering desired Board action(s)

Variance Requested. Check all that apply.

- Lot coverage
- Side yard setback
- Front yard setback
- Rear yard setback
- Frontage
- Parking
- Other. Specify.

State hardship for which relief is sought:

- Soil conditions
- Shape of the land
- Topography of the land

Visual Materials Required - Scaled drawings showing at a minimum the following

1. Site Plan: Include at a minimum:
 - Plan showing total parcel of land
 - Title block with Date
 - Scale
 - North Arrow
 - All property lot lines with dimensions
 - Area of parcel of land
 - All building locations with dimensions of structures and dimensions to lot lines
 - Location and use of all adjacent structures with dimensions to lot lines if applicant is seeking relief to construct within 20 feet of another building
 - Zoning District including Watershed Protection areas and Historic District areas. If property falls within more than one district, plan shall show all district lines.
 - Location of wetlands protected areas.
- ✓ 2. Exterior Elevations of the Building
- ✓ 3. Scaled floor plan of both new and existing structure

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Thursday, December 23, 2021

Notice Content

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WILLIAM BOWLER, CHAIR
SN - 12/16, 12/23/21

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Notice Popular Keyword Category:

Notice Keywords:

652 asbury

Notice Authentication Number:

202112281458171017166

1180225809

Notice URL:

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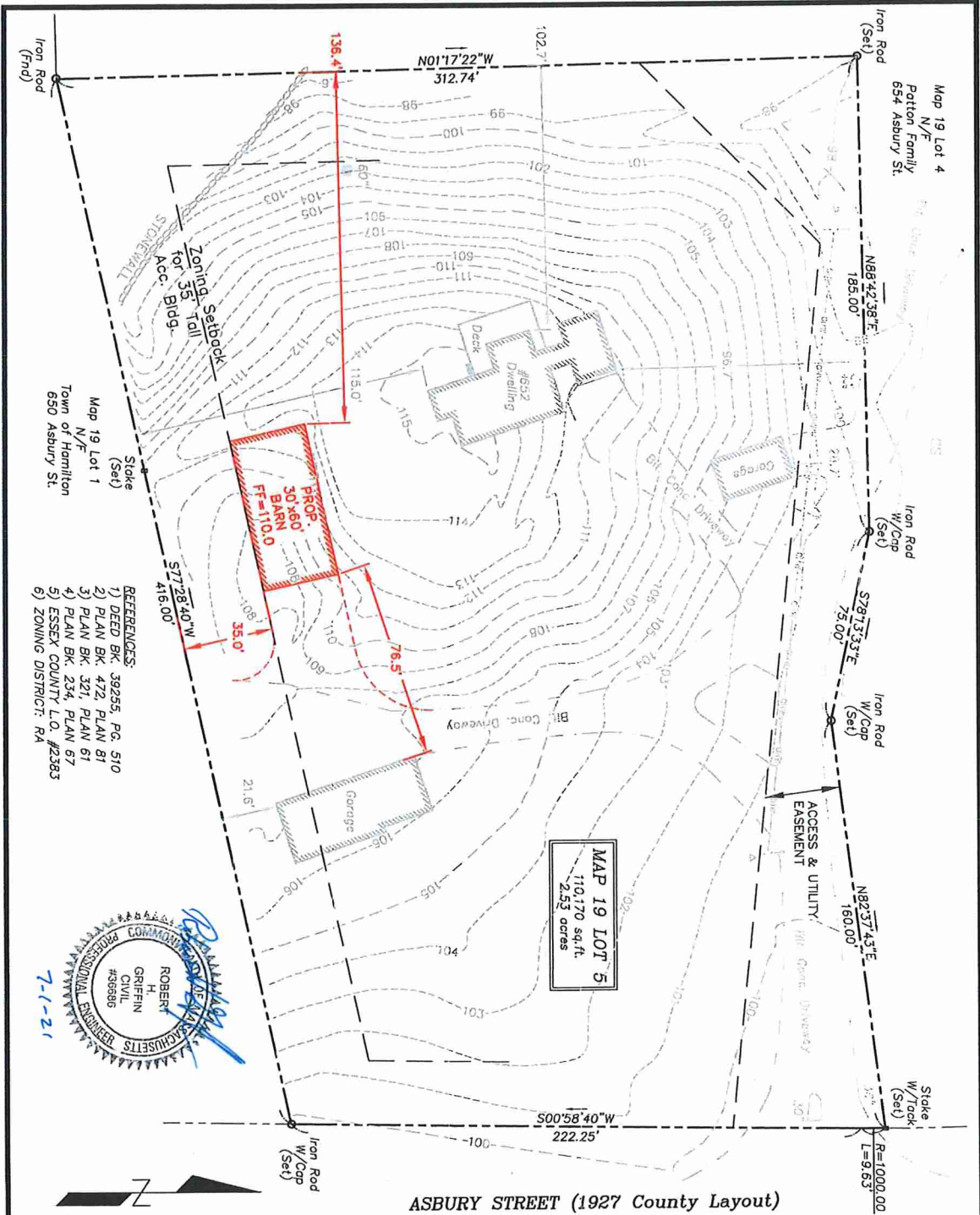
Notice Publish Date:

Thursday, December 16, 2021

Notice Content

NOTICE OF PUBLIC HEARING
TOWN OF HAMILTON ZONING
BOARD OF APPEALS
THE TOWN OF HAMILTON
ZONING BOARD OF APPEALS
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- REFERENCES:
- 1) DEED BK. 39255, PG. 510
 - 2) PLAN BK. 472, PLAN 81
 - 3) PLAN BK. 321, PLAN 81
 - 4) PLAN BK. 234, PLAN 67
 - 5) ESSEX COUNTY L.O. #23835
 - 6) ZONING DISTRICT: RA



All rights reserved. Griffin Engineering Group LLC

LEGEND

- PROPERTY LINE
- BUILDING
- EDGE OF PAVEMENT
- OVERHEAD WIRES
- UTILITY POLE W/ LIGHT
- GUY WIRE
- TREE W/ CALIPER
- CURB STOP
- HYDRANT
- STONEMALL
- PROP. BUILDING

PLAN NOTES:

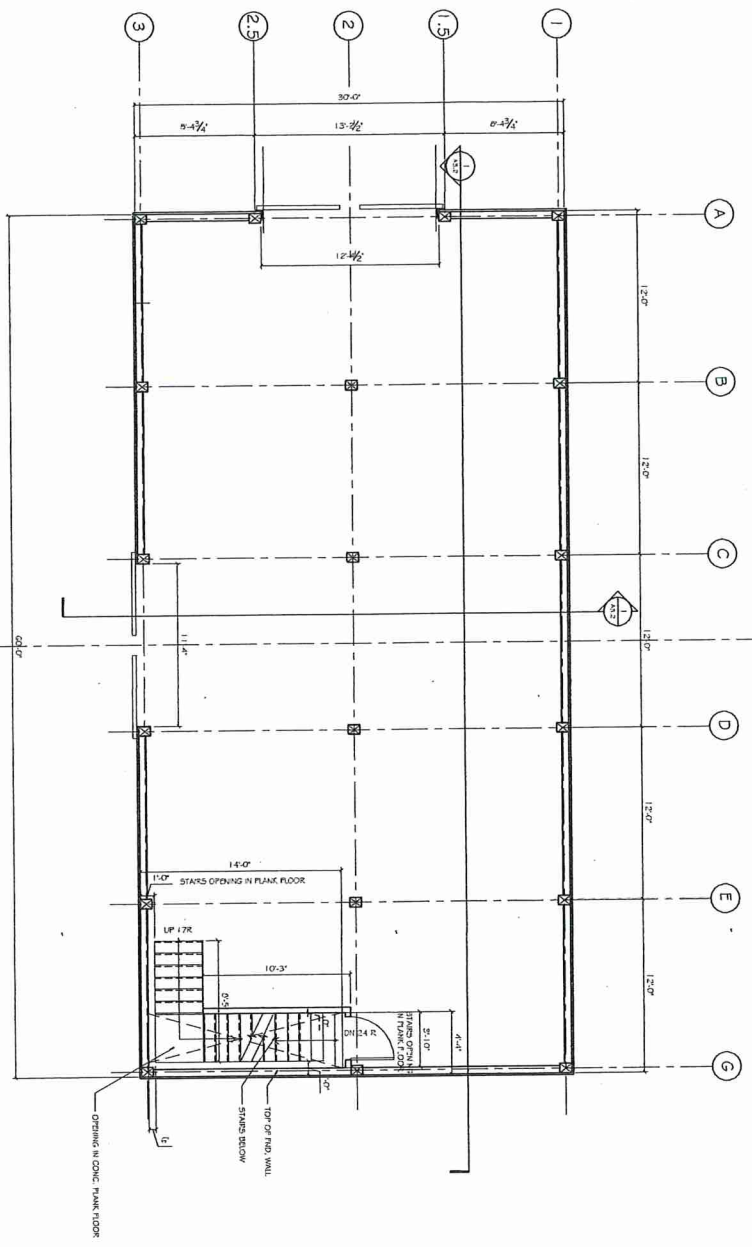
- 1) EXISTING CONDITIONS SURVEY PERFORMED BY LEBLANC SURVEY ASSOCIATES, INC. ON JUNE 24, 2021.
- 2) TOWN OF HAMILTON FEMA FLOOD INSURANCE RATE MAP (MAP # 250090269F, JULY 3, 2012) INDICATES THAT THE SITE IS LOCATED WITHIN A ZONE X WHICH IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- 3) THIS PLAN IS NOT SUITABLE FOR FILING IN THE REGISTRY OF DEEDS.



PLOT PLAN
652 ASBURY STREET
HAMILTON, MASSACHUSETTS

PREPARED FOR:
 25 BUTTERFIELD, LLC

PREPARED BY:
 GRIFFIN ENGINEERING GROUP LLC
 495 CABOT STREET, 2ND FLOOR
 BEVERLY, MA 01915
 (978) 927-5111
 JULY 1, 2021



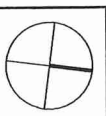
FIRST FLOOR PLAN
 1/4" = 1'-0" ①

MAYER BARN
 4208 Albany St.
 So. Hamilton, MA

SCALE: 1/4" = 1'-0"
 JOB NO.:
 DATE: 02/09/21
 DRAWN: JSM
 FILE: MAYER

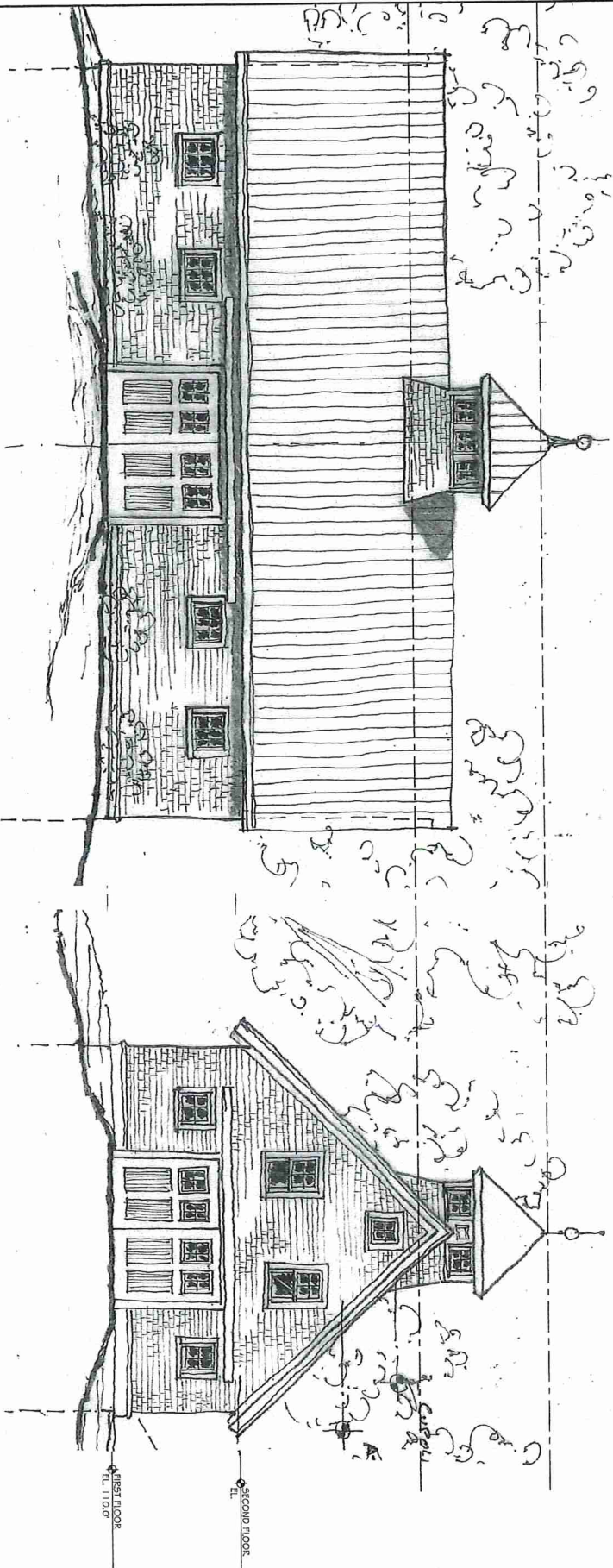
REVISIONS:
 NO. DESC. DATE

FIRST FLOOR PLAN



M
 370-500-2222
 MARCHAND ASSOCIATES
 ARCHITECTS
 1000 W. BROAD ST., SUITE 100
 FREDERICKSBURG, VA 22405

A1.2



NORTH ELEVATION
NTS

②

EAST SIDE ELEVATION
NTS

①

FIRST FLOOR
TL 11.0'

SECOND FLOOR
TL



M MICHAEL ASSOCIATES
770-300-2000
DESIGN / BUILD / FINISH
CONSTRUCTION MANAGEMENT
P.O. BOX 604
ROCKY HILL, CT 06067

A2.1

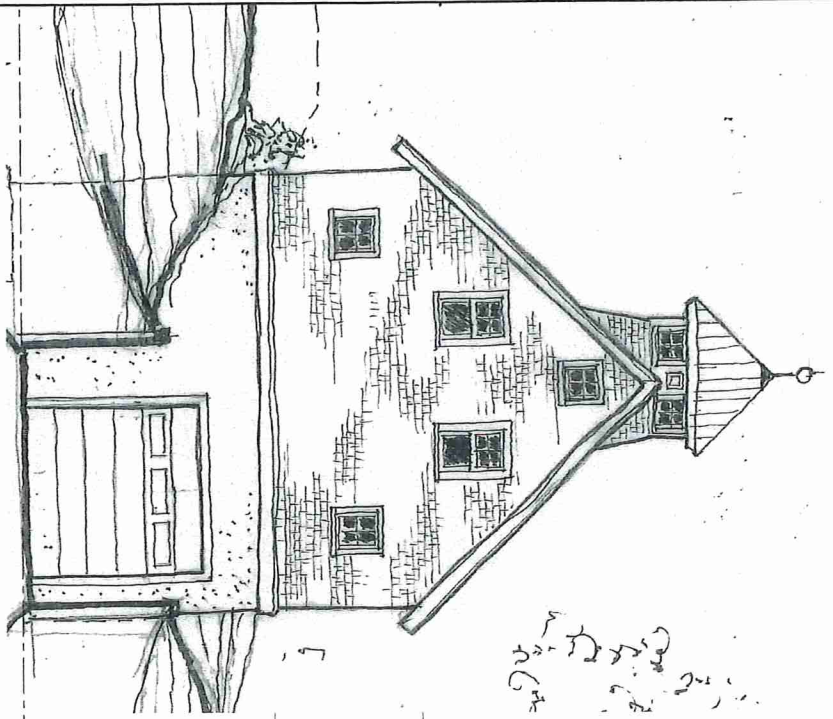
MAYER BARN

4308 Ashby St.
St. Hamilton, MA

SCALE: NTS
JOB NO.:
DATE: 09/09/21
DRAWN: JSM
FILE: MAYER

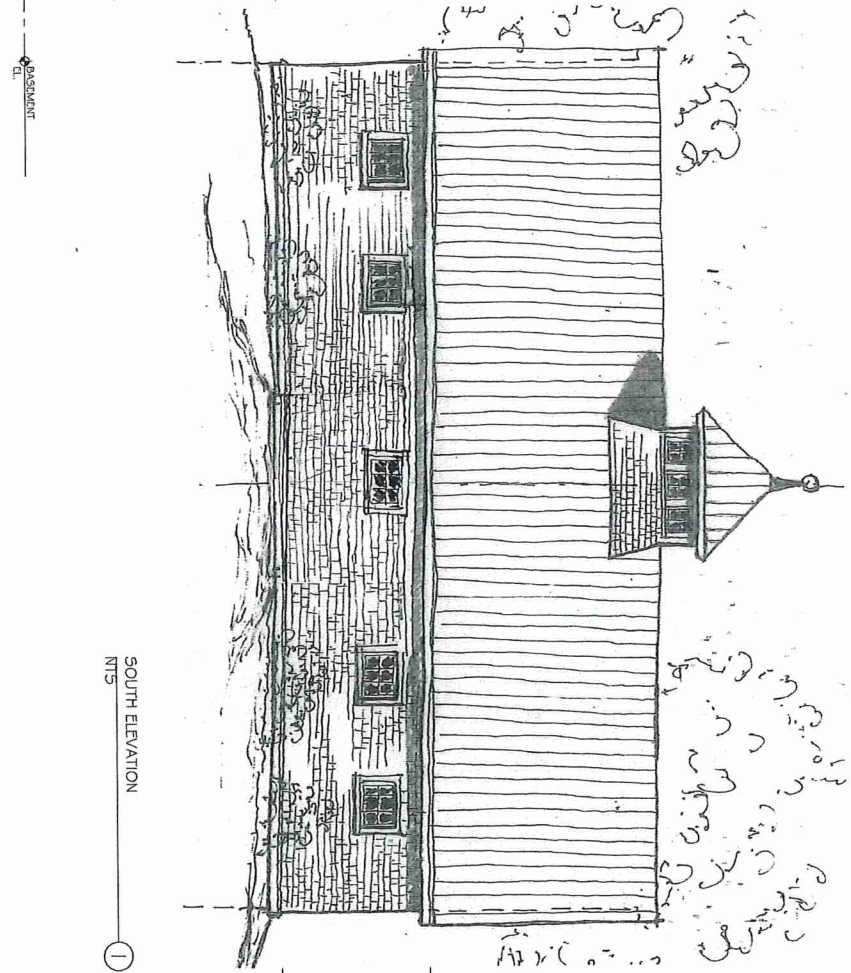
REVISIONS:
NO. DISC. DATE

NORTH
&
EAST SIDE
ELEVATIONS



WEST SIDE ELEVATION
NTS

②



SOUTH ELEVATION
NTS

①

BASMENT
EL.

FIRST FLOOR
EL.

SECOND FLOOR
EL.

MAYER BARN

4228 Albany Dr.
Scottsdale, AZ

SCALE: NTS
JOB NO.:
DATE: 09/09/21
DRAWN: JSM
FILE: MAYER

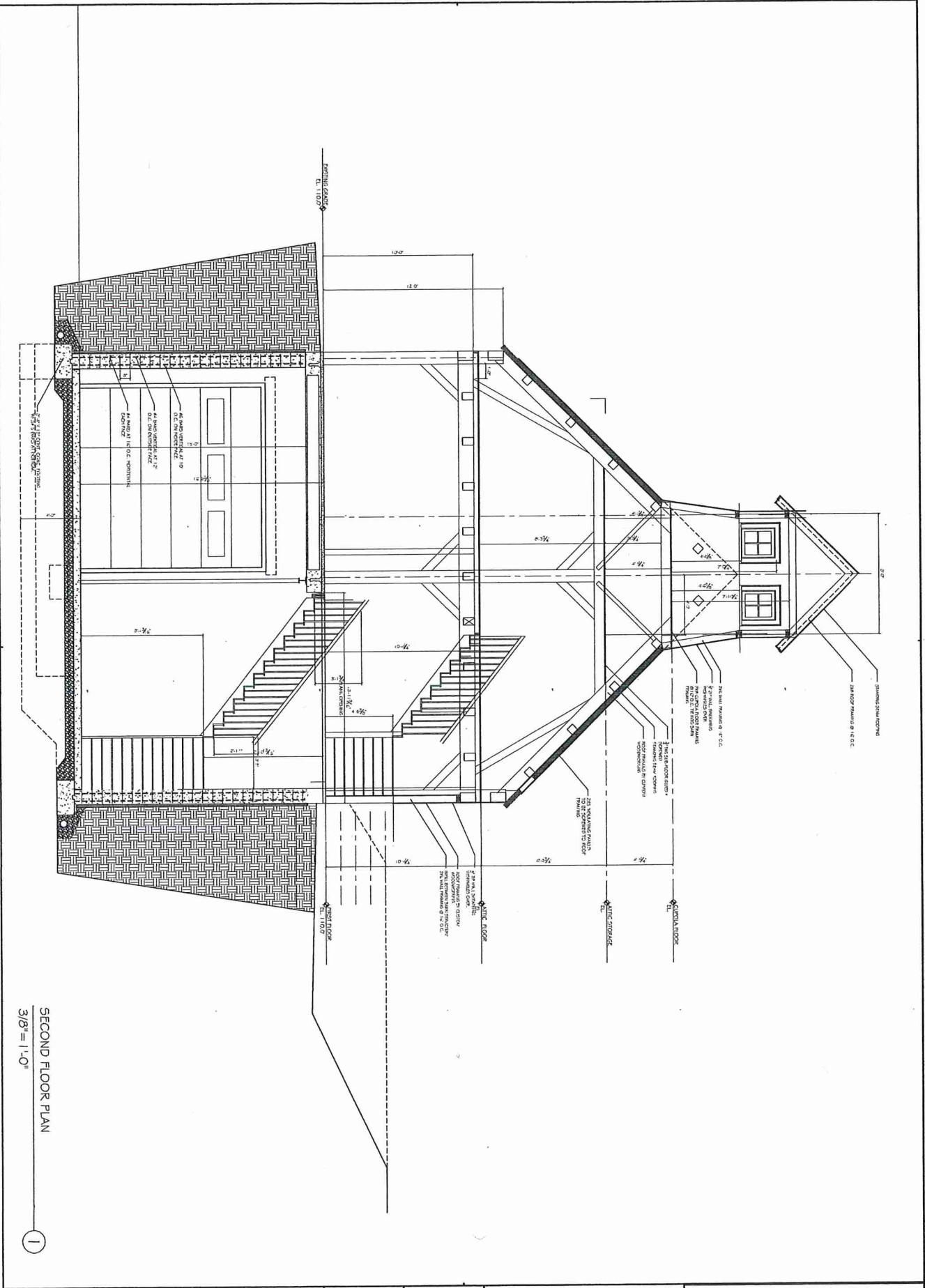
REVISIONS:
NO. DISC. DATE

SOUTH
&
WEST
ELEVATIONS




W
WORTHINGTON & ASSOCIATES
ARCHITECTS / PLANNERS
GENERAL CONTRACTORS
COMMERCIAL DESIGN
10000 W. BUCKLEBOURNE
SUITE 1000
DENVER, CO 80231
TEL: 303.755.1100

A2.2



SECOND FLOOR PLAN
3/8" = 1'-0"

①

<p>MAYER BARN</p>	<p>4284 Albany St. 2nd Floor Mayer, MA</p>	<p>SCALE: 3/8" = 1'-0" NO. DISC. DATE DATE: 03/09/21 DRAWN: JSM FILE: MAYER</p>	<p>REVISIONS: NO. DISC. DATE</p>	<p>BUILDING SECTION A-A</p>		<p>M 376-8607-8100 MICHAEL J. ACCENTIS DESIGNER CONSTRUCTION MANAGEMENT PROJECT LOCATION: MA 01750</p> <p>A3.1</p>
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MAYER BARN

698 Albany St.
St. Hamilton, MA

SCALE: NTS
JOB NO.:
DATE: 09/09/21
DRAWN: JAY
FILE: MAYER

REVISIONS:

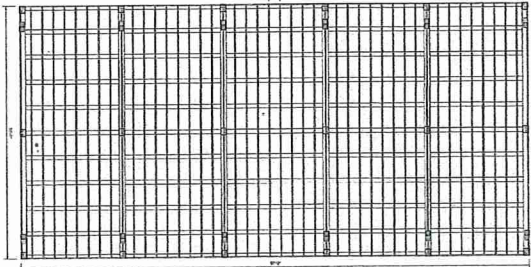
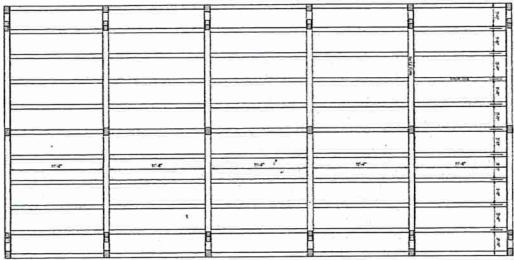
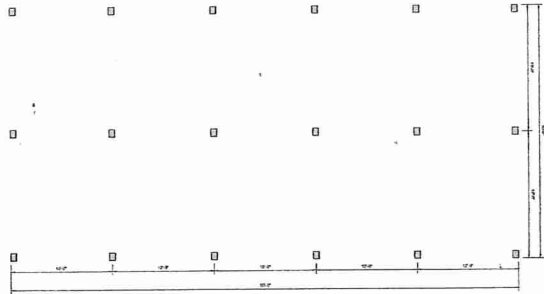
NO. DESC. DATE

BARN
FLOOR
FRAMING
PLANS



Michael & Associates
DESIGN & BUILD, INC.
CONSTRUCTIVE CONSULTANTS
INCORPORATED
770-599-8330
1000 State St.
St. Hamilton, MA 01082

A1.3



MEETING MINUTES

OCTOBER 6TH (WERE NOT APPROVED YET PER NOVEMBER MINUTES) & DECEMBER 1ST

DRAFT

**HAMILTON ZONING BOARD OF APPEALS
MINUTES OF MEETING**

October 6, 2021

7:00 p.m.

Hybrid Zoom

869 7206 6234

Passcode 291316

Town Hall Memorial Room

577 Bay Road, Hamilton, MA

Members Present: Bill Bowler (Chairman), Bruce Gingrich, David Perinchief (alternate member), and Andie Phillip (alternate member).

Others Present: Patrick Reffett.

This meeting was called to order at 7:00 pm with a quorum established. Under the Board of Health Guidance, the Board would be able to meet in person. Petitioners and their representatives would also be able to meet in person. All other interested parties needed to meet via Zoom.

Continued Public Hearing for a Variance – 31 Rust St. Jessica Kennedy. Approve a recently constructed gazebo.

Jessica Kennedy was present. Ms. Kennedy said she purchased a gazebo to be installed on her property. Ms. Kennedy said the Zoning By-law was unclear as to the definition of a structure and what setbacks were for structures. Mr. Kennedy's lot was 3,820 sf and her home was built in 1925. Members reviewed photos of the gazebo. Ms. Kennedy asserted that structures that were less than 200 sf did not need a building permit. The gazebo was 8' from the property line while the Zoning By-law defined the setback to be 20'. Members discussed whether the Zoning By-law would apply if a building permit was not required. An 8' x 12' structure had a setback of 5' but anything larger required a setback of 20'. Members discussed the lift-risk for structures that had a roof and were not anchored in the event of high winds.

Questions from Mr. Kent (abutter) were addressed. The structure was a gazebo as a pergola did not have a roof. The applicant had the opportunity to remove the roof and add 2 x 4" rafters to create a pergola. The chance of the structure being hit by lightning would be once in 200 years. The plant removed by the applicant was legal as the plant was on her property. Other items were neighbor issues and not ZBA issues.

Members agreed that the gazebo was a structure under the Zoning By-law and was subject to the Zoning By-law irrespective as to whether or not it needed a building permit based on the flight risk. Members agreed that the structure needed a variance because it was covered by the Zoning By-law. Members discussed if the applicant had experienced a hardship. The applicant

said there was no place else to relocate the structure on her small lot. The applicant showed the Board where the Building Inspector had marked up her plan after he had visited the site and measured the distances. Bill Bowler noted that the soils, shape, or topography had not caused a hardship that affected this lot, which were the requirements to allow a variance.

While having a garage was a right; a gazebo was not. The Board said the petitioner had a right to request to withdraw without prejudice or the Board could deny the variance and the applicant would have the option of appealing the decision to the land court. Members discussed that all residents were allowed a shed that was 8' x 10', which could be located up to 5' of the property line but anything larger was an accessory structure. As the structure was already constructed, the neighbors would petition the Building Inspector to have the structure removed.

Julianne Kallas Kent (abutter) was present to say that the neighborhood had all abided by the Zoning By-law.

Motion made by Bruce Gingrich to deny the variance.

Seconded by David Perinchief.

Vote: Unanimous in favor.

Public Hearing for Variance. 123 Asbury St. JNN Realty Trust Jeffrey Novack for construction of a pool and pool house.

Jeff Novack was present. Mr. Novack said he wanted to install a pool and pool house. Mr. Novack said neighbors who were opposed to the project were no longer opposed. One neighbor was satisfied after the pool was relocated away from their property line and another neighbor found the 13' setback along his property line acceptable. The pool house would not become a living space. Mr. Novack said the shape of his yard limited where he could locate the pool. The pool was located in the proposed location in an effort to preserve as much open yard as possible.

Bill Bowler explained that the legal standards for a variance hardship were high and it was clear that there was ample room to locate the pool without impacting the legal setbacks. Mr. Novack requested to withdraw his application without prejudice. Mr. Bowler explained that Mr. Novack would be allowed to reapply if he wanted.

Motion made by Bruce Gingrich to allow the petitioner to withdraw the petition.

Seconded by David Perinchief.

Vote. Unanimous in favor.

Continuation of Public Hearing. Habitat for Humanity. Comprehensive Permit at 434-436 Asbury St.

Will Schooter (Morin Cameron group) was present to represent Habitat for Humanity. Mr. Schooter said there were small adjustments to the stormwater plan after the peer review. Mr. Schooter and Patrick Reffett had discussed the draft decision. One minor change to the plan had been to add a curb on the inside radius instead of having an earthen berm.

Bill Bowler noted that the Board had received a letter, dated October 4, 2021, from Robert Puff (peer reviewer). It was Mr. Puff's opinion that the stormwater management and drainage proposal were satisfactory and consistent with the regulatory standards of the MA DEP Stormwater Handbook and routine engineering design and practices for facilities of this type. A letter from Brian Collieran, dated September 9, 2021 rescinded his opposition to waivers requested. Mr. Collieran found no violations to EPA rules or Hamilton's Conservation By-law. Mr. Bowler noted that comments from the fire department, Planning Board, and other boards, had been incorporated into the plan. The maintenance of the stormwater management would be done by a person delegated by the Homeowner's Association.

Bill Bowler noted that homeowner sweat equity was part of Habitat for Humanity's philosophy. The previous project had taken three years to complete and it was unlikely that neighbors would want to have a ten unit project under construction for a lengthy period of time. Meaghan O'Neil (Habitat for Humanity) responded that the organization had expanded since the previous project and full-time construction supervisors would oversee the progress. Ms. O'Neil anticipated the construction would move along swiftly.

Motion made by Bruce Gingrich to close the hearing.

Seconded by David Perinchief.

Vote: Unanimous in favor.

The draft decision had been reviewed by the applicant and members discussed the issues that had been raised.

Section 3. C. - should say Hamilton fire chief.

Section 4. A. 1 - should be revisions through September 28, 2021, the up to date plan.

Number 13 did require a filing with the Conservation Commission, which would be held the following week.

Section 4. A. 3 should read: "Project shall consist of not more than ten permanently affordable homes of five duplexes and five separate buildings comprised of a mix of four three-bedroom units."

Section 4. A. 12 – The applicant would like to allow site clearing, tree removal, and demolition be allowed before final architectural plans were submitted. Don Preston was present and requested that the Building Inspector be the agent for those purposes.

Lighting plan – a waiver was granted that no photometric plan was required. The first sentence would remain as it was clear that the lighting was on the building, according to code and all lights would be dark sky compliant. The last two sentences would be removed as there was no site lighting.

Landscaping plan – a separate landscaping plan was not required.

Final engineering and construction plan would be received by the building department. The building inspector would be in control of the plans.

C. 1. A. – would be removed as a peer review had already been conducted.

- C.1. B. – would be removed as it was likely drafted for a larger unfriendly 40B. David Perinchief wanted to include that the applicant should comply with all State and local laws, for noise, vibration, and blockage of town roads.
- C. 2. D - No signage would be included. Any signage would be subject to permitting.
- E. 8. - Overhead wires existed and underground utilities were listed on the plan. The applicant wanted to have the option to have overhead utilities.
- E. 9 - would be removed unless the building inspector requested it.
- E. 10 - The applicant wanted the option for materials delivery and volunteers arriving as early as 7:00 am.
- E. 13. - Snow management was shown on final plans.
- E. 18. – A gate proposal for the entrance was required to keep children off-site but the applicant noted that the area was woodlands and access would be easy from any point. It would be removed.
- E. 19. - was considered onerous by the applicant.
- E. 20. - was another discussion regarding the gate at the entrance. It was reasonable that crews would want to protect their equipment but 24 hour access to the cell tower was also an issue.
- G.1 - already approved.
- G.2. - remove.
- G. 3. - Was shown on the final plan and already done.
- H.7 - Utilities were shown on the final plan. The Board and the Building Inspector would receive Homeowner’s Association documents to review and approve. DHCD would also review them as part of the comprehensive permit process.

Motion made by Bruce Gingrich to grant the comprehensive permit with the finding of facts contained in the records and conditions as contained as in the proposed decision.

Seconded by David Perinchief.

Vote: Unanimous in favor.

Bill Bowler said the decision would be written within 30 days. All members would sign the decision. There was a 45 appeal period.

MEETING MINUTES

UPDATES FROM THE CHAIR.

Members discussed that David Perinchief would become a full member of the board.

Motion made by Bruce Gingrich to recommend David Perinchief become a full member of the board.

Andie Phillip seconded.

Vote: Unanimous in favor of voting members. David Perinchief abstained.

DOCUMENTS RECEIVED

Photos and Plan of land 31 Rust St.

Plan of land 123 Asbury St.

Letter from Robert Puff, dated October 4, 2021.

Letter from Bill Colleran, September 9, 2021.

ADJOURNMENT

Motion made by Bruce Gingrich to adjourn at 8:23.

Seconded by David Perinchief.

Vote: Unanimous in favor.

Respectfully submitted as approved at the _____ meeting.

Bill Bowler

DRAFT
HAMILTON ZONING BOARD OF APPEALS
MINUTES OF MEETING
December 1, 2021
7:00 p.m.
Zoom Meeting
83638998875
Passcode 950561
Hybrid Meeting
Hamilton Town Hall
299 Bay Road, Hamilton, MA

Members Present: Bill Bowler (Chairman), Bruce Gingrich, David Perinchief, and Andie Philip (alternate member via Zoom).

Others Present: Patrick Reffett.

This meeting was called to order at 7:00 pm with a quorum established.

PUBLIC HEARINGS:

RELIEF FROM SIGN BY-LAW. 505 BAY ROAD HARRIGANS WINE AND SPIRITS. LARRY CHASE (OWNER) AND LAWRENCE JUDY (APPLICANT).

Greg Soloney, one of the new owners at Harrigan’s Liquors, was present to request having a 2’ x 3’ sandwich board to announce the property was open. The property had been sold to Harrigan’s Hamilton Property LLC. The property was a grand-fathered non-conforming business use in the residential district. Businesses were allowed an A frame sign by special permit but no one in the Business District had applied for it to date. The sign would be 15’ from the edge of the street and 8’ from the building. The sign would be put out during the day and brought in either at dark or closing. The sign would not be illuminated. The sign could not be placed closer to the road than the walkway.

Motion made by David Perinchief to grant the special permit.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

SPECIAL PERMIT FOR CONSTRUCTION OF A TEMPORARY LIVING AREA - A SINGLE STORY 24’ X 22’ ADDITION IN A SINGLE FAMILY DWELLING. 95 HOMESTEAD CIRCLE. SEAN AND LISA MCCARTHY.

Jeff Horn was present to represent the homeowners. The proposal was for a small addition for an in-law apartment including one room and a bathroom. The Health Inspector said the existing four bedroom septic system was installed in 2001. Currently the house had three bedrooms so the proposal was in compliance with the Board of Health. Bill Bowler reviewed all the requirements of the By-law, which were met by the proposal. Mr. Bowler explained that the permit needed to be renewed every four years and that a kitchen could be installed but

must be removed when the family member no longer resided in the unit. When the property was sold, the new owners would need to return to the Board for a new approval. Patrick Reffett added that the Building Inspector opined that the application complied with the Zoning By-law.

Motion made by David Perinchief to grant the special permit for the conversion for temporary living areas with conditions listed in the By-law.

Bruce Gingrich seconded.

Vote: Unanimous in favor.

EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE OR LOT. REMOVE EXISTING GARAGE, CONSTRUCT A GARAGE. EXTEND THE SECOND FLOOR AND FRONT PORCH AND CONSTRUCT A REAR DECK. 22 CUMMINGS AVE. BEN AND KAILEE WRIGHT.

Brian Stein (BDS Design) was present to represent the applicant. Mr. Stein was also an abutter. Mr. Stein showed photos of the existing bungalow building. The proposal would remove a two car garage and replace it with a one car garage. A second floor would be created. The front porch would be larger. Mr. Stein explained that The house would be in keeping with the neighborhood. As a neighbor, Mr. Stein was fine with the proposal. The plan made the property more zoning compliant.

Motion made by David Perinchief to approve the request for the extension or alteration of a non-conforming use based on the plans submitted.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE, OR LOT. CONSTRUCT A SECOND STORY ADDITION. 28 HOME ST. GREGORY AND CAROLINE HORNER.

Brian Stein was present to represent the applicants. The proposal would remove the existing side addition on the east side then construct a larger addition that did not encroach upon the property line. The existing bump out was 11' from the property line. The footprint would be kept but extended upward for a second floor. The 13.5' and 7.5' front set backs were the issue. The rear addition would not encroach further than the existing building.

Motion made by Bruce Gingrich to approve the extension of a non-conforming structure at 28 Home St.

David Perinchief seconded.

Vote: Unanimous in favor.

EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE, OR LOT. CONSTRUCT A TWO STORY ADDITION. 13 COTTAGE ST. PATRICK AND JEANNINE RYAN.

Brian Stein was present to represent the applicant. Mr. Stein used a plan that assumed the worse-case scenario the plot plan was inconclusive. The back corner setback was currently 1.8' and the new back corner would be 2.1' from the back corner. The plan would increase the

living space on the small lot. As the lot was in the GPOD, Mr. Stein calculated that the impervious coverage would be less than the required 2,500 sf.

Motion made by Bruce Gingrich to grant the approval to the extension and non-conforming use for 13 Cottage St.

Seconded by David Perinchief.

Vote: unanimous in favor.

REGULAR BUSINESS

Minutes

Motion made by David Perinchief to approve the minutes of November 3, 2021.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

Patrick Reffett announced that the Project Eligibility Letter had been approved by the Department of Housing and Community Development for the 421 Asbury St. 40B project. The public would be notified regarding plans and future meetings.

DOCUMENTS REVIEWED.

95 Homestead Circle. Plot plan and architectural plan.

22 Cummings Ave. Photos, existing plans, and proposed plans.

28 Home St. Plans and photos.

13 Cottage St. Plans and photos

ADJOURNMENT

Motion made by Bruce Gingrich to adjourn at 7:44.

Seconded by David Perinchief.

Vote: Unanimous in favor.

Respectfully submitted as approved at the _____ meeting.

Bill Bowler