

DRAFT  
**HAMILTON ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**January 5, 2022**  
**7:00 p.m.**  
**Zoom Meeting**  
**81289298823**  
**Passcode 793618**  
**Hamilton Town Hall**  
**299 Bay Road, Hamilton, MA**

**Members Present:** Bill Bowler (Chairman), Bruce Gingrich, and Andie Philip.

**Others Present:** Patrick Reffett.

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

**PUBLIC HEARINGS:**

**15 Rust St. Relief for a Non-Conforming Use and/or Structure. To construct an addition and a deck. Timothy Neil (homeowner).**

Mike Broderick (General Contractor) was present to represent Timothy Neil. Mr. Broderick said the one-story addition was for a first floor bathroom. Bruce Gingrich offered his concern regarding the proximity to the leaching field and septic tank. Bill Bowler noted that Greg Bernard (Health Agent) had given his approval as long as access to the distribution box and covers existed by ensuring the pavers were removable. Removable pavers would be a condition if the project were approved. No other conditions would apply.

Mr. Broderick was reminded that the addition could not be any closer to the side property line than the existing dwelling. Members discussed that anything structural that required a building permit would be subject to setback requirements. Flagstones would not be structural and would not require a filing with the ZBA. A deck would be structural.

Motion made by Bruce Gingrich to grant the Special Permit with the condition that the pavers be removable to provide access to the septic system.

Andie Philp seconded.

Roll Call Vote: Bruce Gingrich – aye, Andie Philip - aye, and Bill Bowler – aye. Unanimous in favor. Bill Bowler reviewed the process for the applicant.

**BOARD DISCUSSION – Steven Derocher – Potential Board Member.**

Steven Derocher was present to introduce himself. Mr. Derocher described his residential and light industrial construction expertise. Bill Bowler offered an overview of the responsibilities of Board members and the range of typical applications to be reviewed. Patrick Reffett said he anticipated the ZBA would be reviewing a 40B project that may be controversial. As a Comprehensive Permit would take months to review, an associate member was an important

addition to the Board. Mr. Bowler did not believe he would seek to be re-nominated in June and the associate member would fill the empty seat. Members agreed that Mr. Derocher was a good addition to the Board. Mr. Bowler would convey their desire to the Selectmen to have Mr. Drocher appointed as an associate member. Mr. Derocher was still interested in the position.

**652 Asbury St. Relief from Use Regulations. To construct a 30' x 60' barn. 25 Butterfield LLC**

No one was present for the application. The hearing was continued until the first Wednesday of February.

**REGULAR BUSINESS**

**Minutes**

Motion made by Bruce Gingrich to approve the minutes of October 6, 2021 as amended and December 1, 2021.

Seconded by Andie Philp.

Roll Call Vote: Bruce Gingrich - aye, Andie Philip - aye, Bill Bowler – aye. Unanimous in favor.

**DOCUMENTS REVIEWED.**

15 Rust St. construction plans.

**ADJOURNMENT**

Motion made by Bruce Gingrich to adjourn at 7:34.

Seconded by Andie Philp.

Roll Call Vote: Bruce Gingrich – aye, Andie Philip – aye, and Bill Bowler – aye. Unanimous in favor.

Respectfully submitted as approved at the \_\_\_\_\_ meeting.

Bill Bowler

**652 ASBURY STREET SPECIAL PERMIT 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. THE SPECIAL PERMIT APPLICATION 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. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.

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

062  
1500P

RS



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 <sup>HIKING</sup> 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: 586 HALE ST

PETERS 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

Salem News, The



Publication Name:  
**Salem News, The**

Publication URL:  
[www.salemnews.com/](http://www.salemnews.com/)

Publication City and State:  
**Salem, MA**

Publication County:  
**Essex**

Notice Popular Keyword Category:

Notice Keywords:  
**652 asbury**

Notice Authentication Number:  
**202112281457573986754**  
**1180225809**

Notice URL:

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Notice Publish Date:

Thursday, December 23, 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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ON WEDNESDAY, JANUARY 5,  
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BYLAW SECTION 3: USE REGU-  
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60' BARN. THE PROPERTY IS LO-  
CATED AT 652 ASBURY STREET,  
ASSESSOR'S MAP 19, LOT 5,  
OWNER IS 25 BUTTERFIELD LLC.  
A COPY OF THE COMPLETE AP-  
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REVIEW BY CONTACTING THE  
BUILDING DEPARTMENT.  
WILLIAM BOWLER, CHAIR  
SN - 12/16, 12/23/21

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Salem News, The



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Notice Popular Keyword Category:

Notice Keywords:  
**652 asbury**

Notice Authentication Number:  
**202112281458171017166**  
**1180225809**

Notice URL:

[Back](#)

Notice Publish Date:

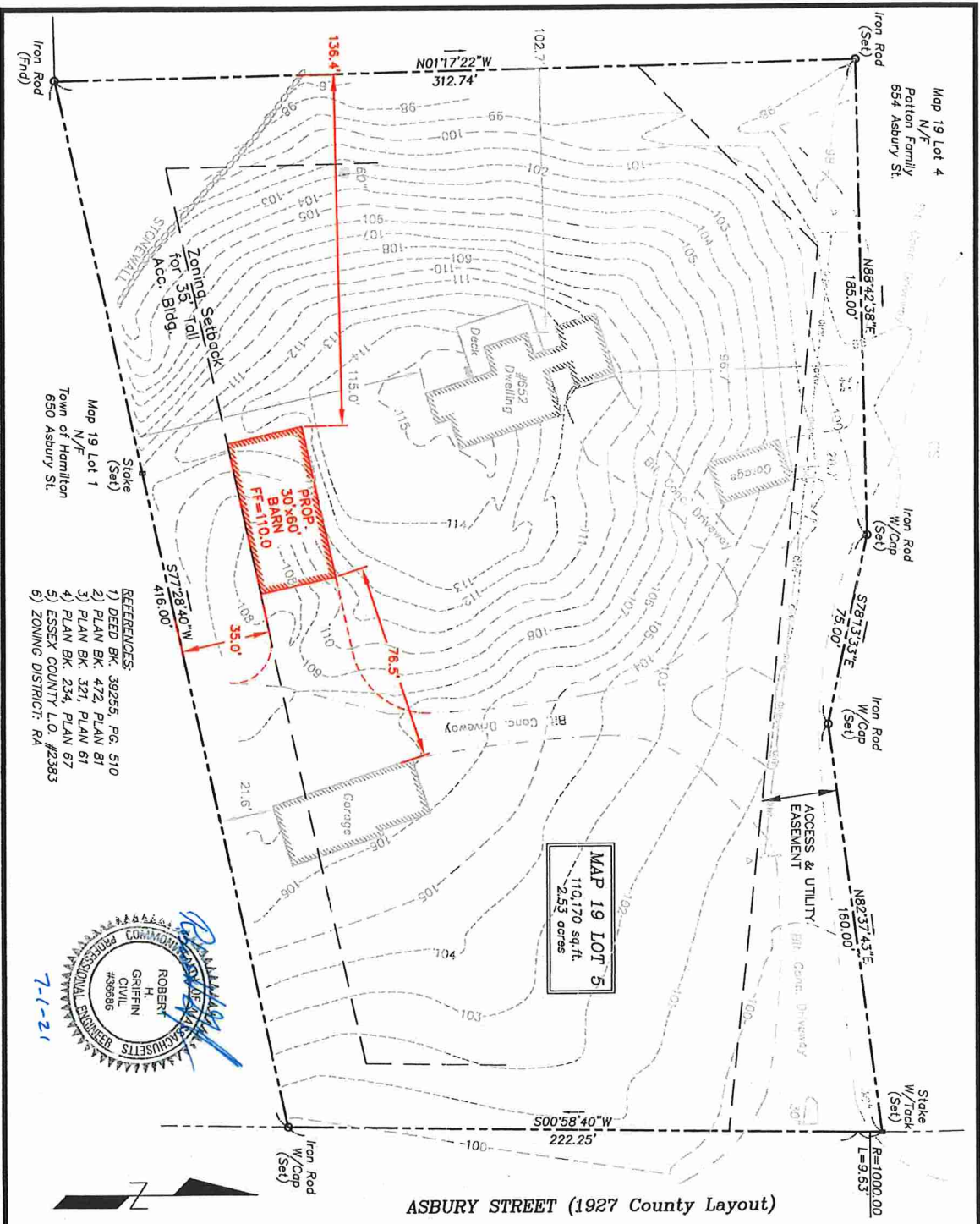
Thursday, December 16, 2021

**Notice Content**

NOTICE OF PUBLIC HEARING  
TOWN OF HAMILTON ZONING  
BOARD OF APPEALS  
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**MAP 19 LOT 5**  
 110,170 sq-ft  
 2.53 acres

- REFERENCES:**
- 1) DEED BK. 3925, 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. #2383
  - 6) ZONING DISTRICT: RA



All rights reserved. Griffin Engineering Group LLC

**ASBURY STREET (1927 County Layout)**

**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 # 25009C0289F, 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.



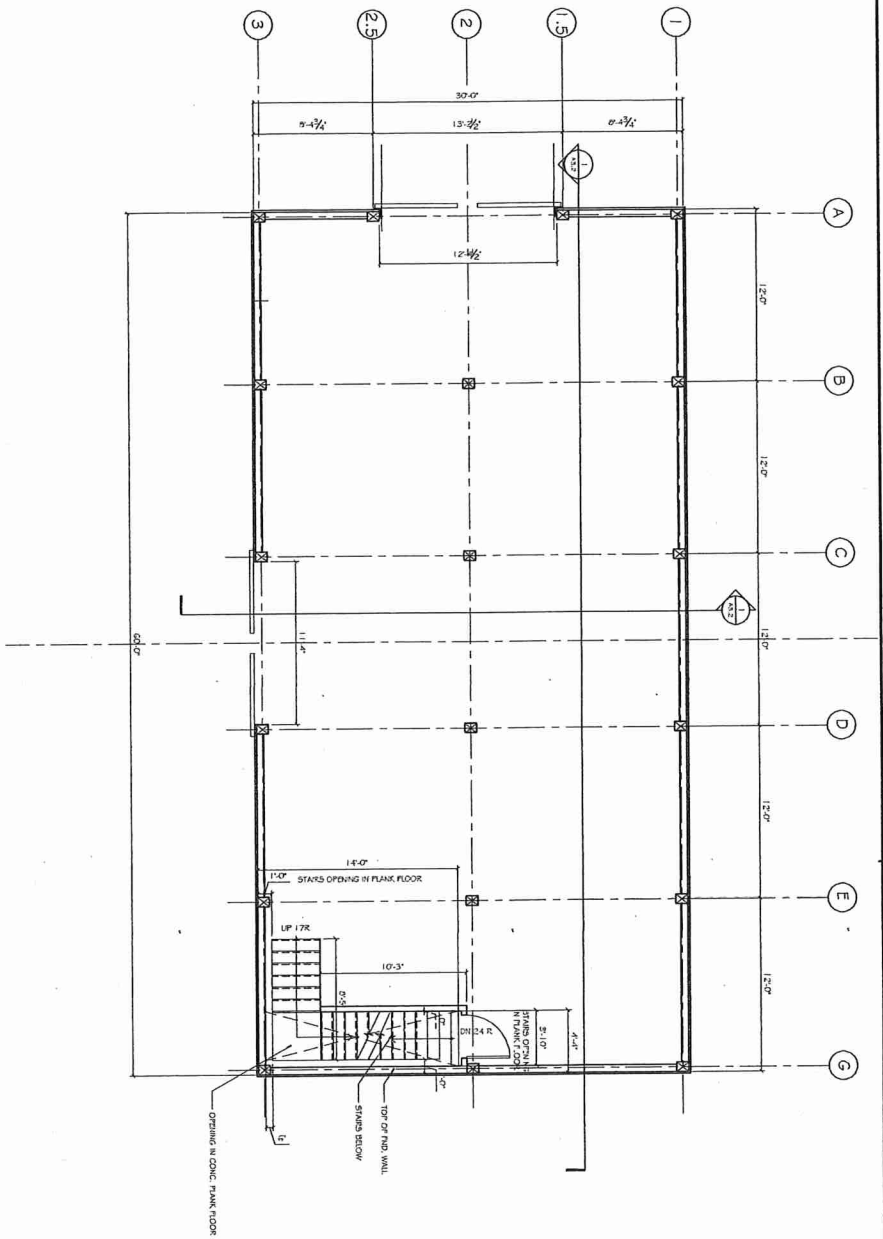
**PLOT PLAN**  
**652 ASBURY STREET**  
**HAMILTON, MASSACHUSETTS**

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

<p><b>WATER BARN</b></p>	<p>4528 Albany St. St. Louis, MO 63114</p>	<p>SCALE: 1/4" = 1'-0" JOB NO.: 09102121 DRAWN: BSM FILE: WATER</p>	<p>REVISIONS: NO. DESC. DATE</p>	<p>FIRST FLOOR PLAN</p>		<p><b>MICHAEL J. ASSOCIATES</b> ARCHITECTS 2725 S. OXFORD ST. ST. LOUIS, MO 63114 TEL: 314.433.1100 WWW.MJASOCIATES.COM</p>	<p><b>A1.2</b></p>
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MAYER BARN

4208 Ashbury St.  
St. Matthews, VA

SCALE: NTS  
JOB NO.: 9909921  
DRAWN: BJA  
FILE: MAYER

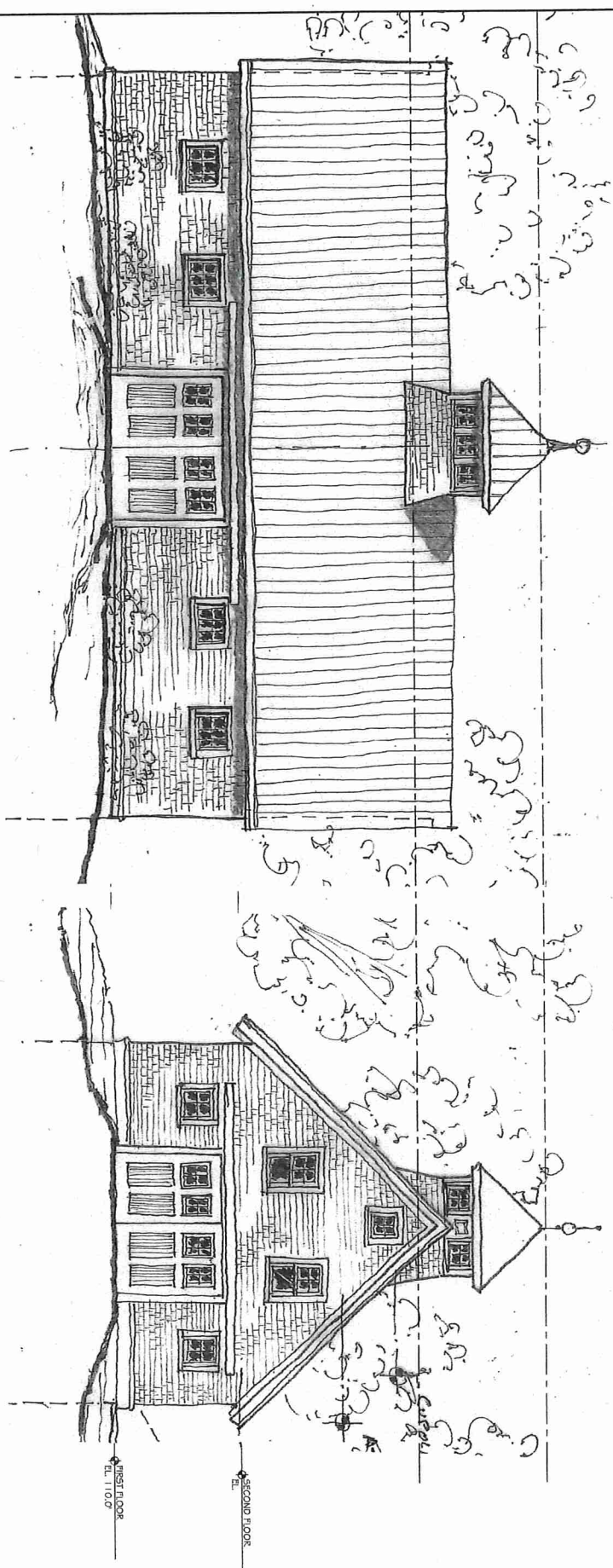
REVISIONS:  
NO. DESC. DATE

NORTH  
&  
EAST SIDE  
ELEVATIONS



MICHAEL J. ASSOCIATES  
DESIGN ARCHITECTS  
CONSTRUCTION MANAGEMENT  
MEMPHIS, TN 38102  
TEL: 901-525-2800  
WWW.MJASOCIATES.COM

A2.1



NORTH ELEVATION  
NTS

②

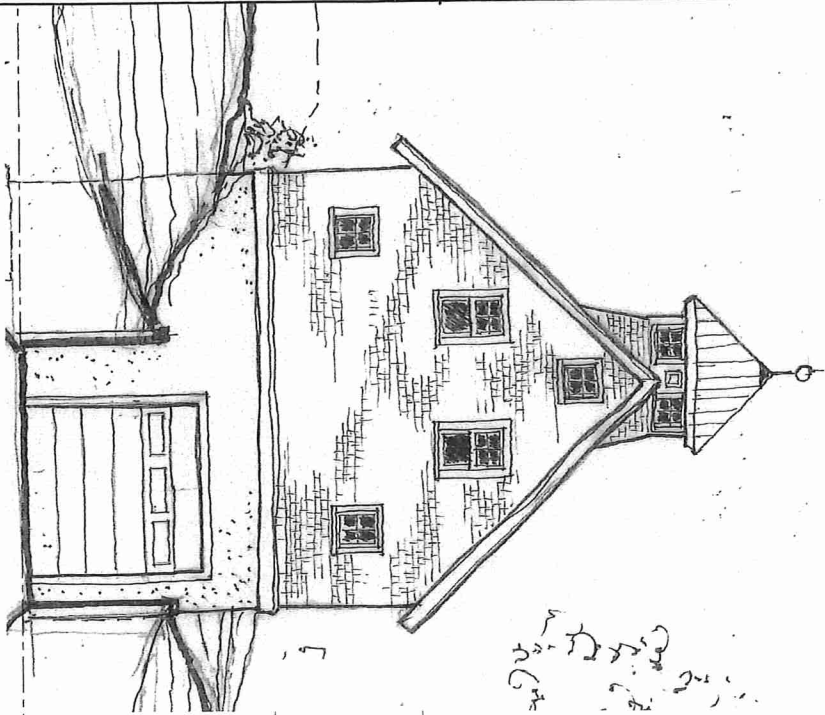
EAST SIDE ELEVATION  
NTS

①

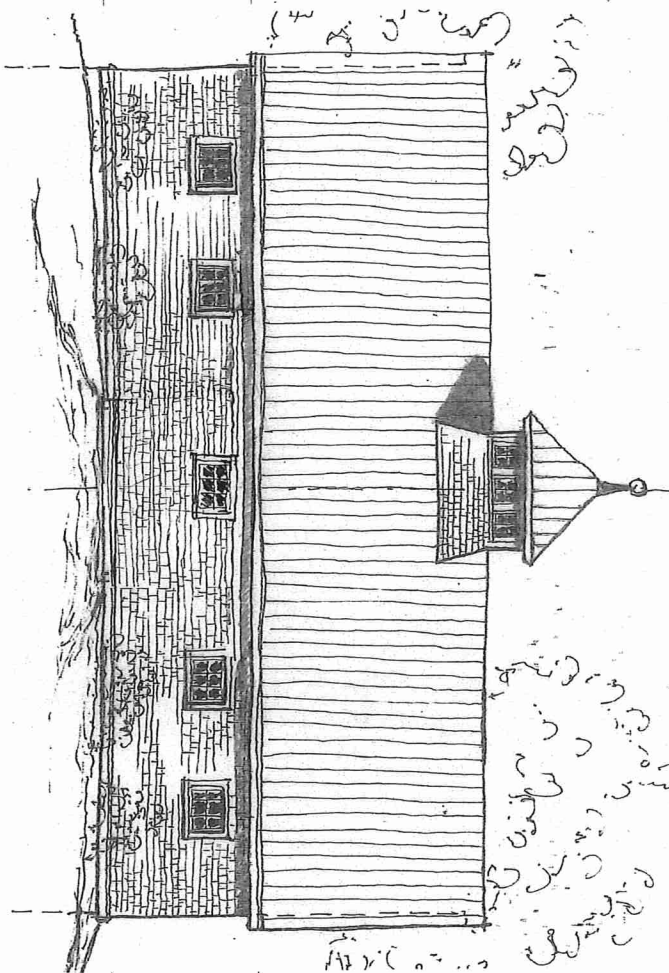
FIRST FLOOR  
TL 110.0'

SECOND FLOOR  
TL





WEST SIDE ELEVATION  
NTS  
②



SOUTH ELEVATION  
NTS  
①

BASEMENT  
DL

FIRST FLOOR  
DL

SECOND FLOOR  
DL

MAYER BARN

3028 Albany St.  
St. Matthews, VA

SCALE: NTS  
DATE: 09/09/21  
DRAWN: JRM  
FILE: MAYER

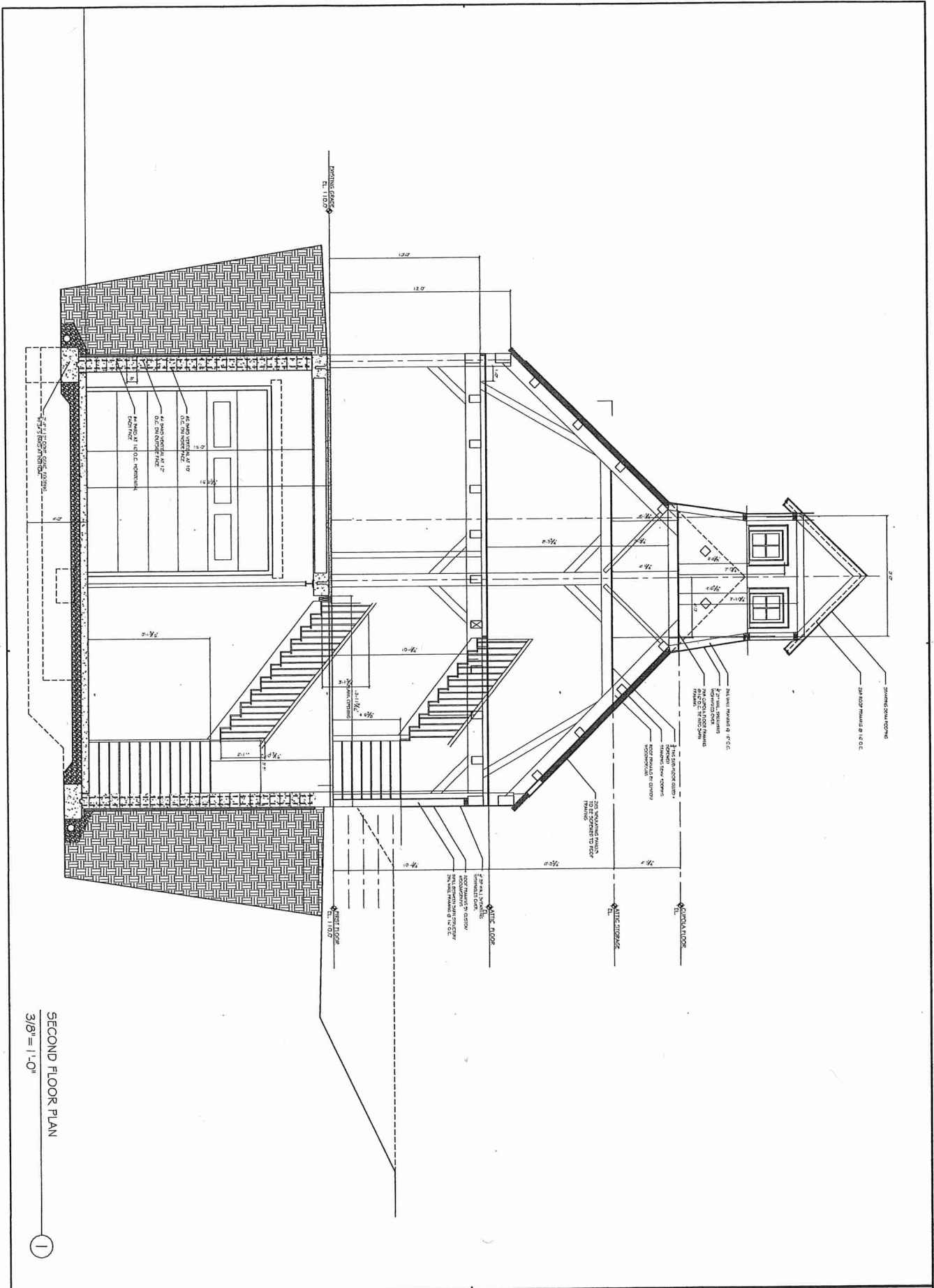
REVISIONS:  
NO. DESC. DATE

SOUTH & WEST ELEVATIONS





MANUP & ASSOCIATES  
DESIGN & BUILD FIRM  
2000 W. MARKET STREET  
PO BOX 104  
PINE Bluff, AR 71601  
716-783-8800

A2.2



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

1

	 <p>928-300-2570 928-300-2570</p>	<p>MICHAEL J. ASSOCIATES, INC. ARCHITECTS 2000 N. UNIVERSITY AVENUE, SUITE 100 TALLAHASSEE, FLORIDA 32310 CONSTRUCTION MANAGEMENT 7000 S. GOLF COURSE AVENUE, SUITE 100 TALLAHASSEE, FLORIDA 32310</p>	<p>4508 Albany St. St. Petersburg, FL 34709</p>	<p><b>MAYER BARN</b></p>	<p>NO. DISC. DATE</p>	<p>REVISIONS:</p>	<p>SCALE: 3/8" = 1'-0" JOB NO.: 090921 DATE: 08/20/11 DRAWN: JRM FILE: MAYER</p>	<p>BUILDING SECTION A-A</p>	<p><b>A3.1</b></p>
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MAYER BARN

6208 Ashbury St.  
26, Haverhill, MA

SCALE: NTS  
JOB NO.: 0909921  
DATE: 09/09/11  
DRAWN BY: MAYER  
FILE: MAYER

REVISIONS:  
NO. DESC. DATE

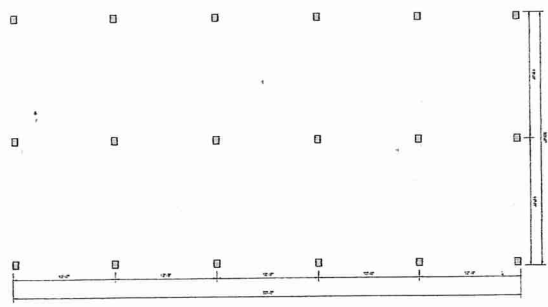
BARN  
FLOOR  
FRAMING  
PLANS



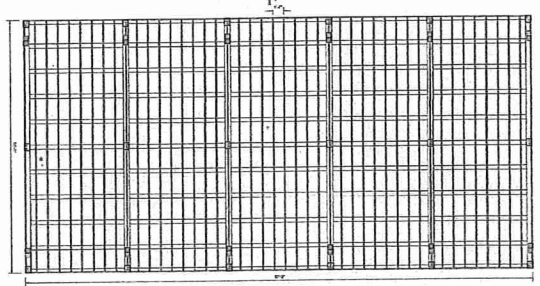
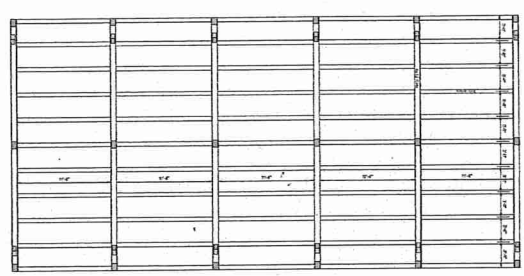
**M** MICHAEL J. ASSOCIATES  
200 SOUTH ST.  
DUNSTON, MA 01827  
CONSTRUCTION/DESIGN/CM  
PH: 978-326-1144  
FAX: 978-326-1145

A1.3

1st floor post location



2nd floor





# 821 BAY ROAD 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, FEBRUARY 2, 2022, AT 7:00 PM, VIA ZOOM/TELEPHONE, FOR A SPECIAL PERMIT APPLICATION SEEKING RELIEF FROM ZONING BYLAW 5.5 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION: SECTION 5.5.1.3, IN ORDER TO RAZE THE EXISTING SINGLE FAMILY DWELLING DUE TO CONDITION AND CONSTRUCT A 2,500 SF DWELLING WITH A 3 CAR ATTACHED GARAGE. THE PROPERTY IS LOCATED AT 821 BAY ROAD, IN THE R1B ZONING DISTRICT, ASSESSOR'S MAP 32, LOT 21, OWNER IS ANNE GERO. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.

WILLIAM BOWLER, CHAIR

## 862 Bay Road Application Timeline

Applicants: Brian Stein on behalf of the owner Ann Gero

(per MGL 40A, Section 11\*)

- Public Hearing Notice posted with Town Clerk on 01-12-22\*
- Mailed Public Hearing Notice to Abutters on 01-11-22\*
- Mailed Public Hearing Notice to Abutting Towns 01-11-22\*
- Hand Delivered Public Hearing Notice to BOH, Con. Com., Police, Fire, DPW  
– Comments from the Board of Health Agent Greg Bernard
- Public Hearing Notice published in the Salem News on January 17, 2022 and on January 24, 2022\*

TOWN OF HAMILTON  
ZONING BOARD OF APPEALS

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

Rec. 1-10-22  
paid \$ 75 # 409

Date Submitted: ~~January 3, 2022~~

Applicant Name: Anne Gero

Phone: 978-468-7120

Applicant Address: 821 Bay Road, Hamilton, MA

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: (Section 5.5)
- Appeal of Decision of the Building Inspector
- Conversion for Temporary Living Area
- Comprehensive Permit
- Other:

Per Building  
Commissioner  
Section 5.5.1.3

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: R1B

Existing Lot Size: 3 acres

State Briefly what structures are on the property: *Currently, a single-family home with an attached 2-car garage is on the property, along with a small pool house and pool. There is a greenhouse roughly in the middle of the property. The existing house is non-conforming as it is 15' inside the front-yard setback.*

State in detail what the petitioner desires to do at said subject property: *The owner wishes to raze the existing house due to its condition and construct a new, approximately 2,500 sf house with a 3-car attached garage. Given the existing septic will remain and the owner's desire for the house to remain in roughly the same location, the proposed house will be about 8.5' into the front setback, improving on the existing by 6.5'. There is a dense, vegetated buffer between the private road and the house that will remain.*

State whether any petition as to the said premises has been submitted to this Board within the last five years. If so, give details: No previous submission

State if any Building Permit has been granted to said premises within the past two years. If yes, give details: No permit granted

Signed: \_\_\_\_\_



Address: 821 Bay Road, Hamilton MA

Phone: 978-468-7120



**TOWN OF HAMILTON  
ZONING BOARD OF APPEALS**

**REQUEST FOR FINDINGS OF FACT  
PERMIT OR SPECIAL PERMIT**

Date Submitted: January 3, 2022

Applicant Name: Anne Gero

Applicant Address: 821 Bay Road, Hamilton MA

State nature of and location for which Permit or Special Permit is sought: *The existing home is non-conforming on the front setback. Owner wishes to raze the existing house and construct a new home and attached 3-car garage. The new home will extend into the setback 8.5' which is 6.5' less than the existing structure.*

State how or why the proposed use would be in harmony with the general purpose and intent of the Zoning By-Law: *The existing home is not in the best condition and is not laid out for modern living. The owner plans to construct a +/- 2,500sf net-zero home that is smaller than the current home. The existing septic system will remain along with the mature trees surrounding it. Given the septic location and proposed house, the new home extends into the front setback, but less than the existing.*

State how or why the specific site is an appropriate location for such use: *House is a single-family residential home in the R1B district. The existing home on the property has been there since the mid-70s.*

State whether the specific site has adequate public sewerage and water facilities or suitable soil for an on lot sewerage and water systems: *There is an existing 4-bedroom septic system on the lot and the lot has town water.*

State how or why the use as developed will not adversely affect the neighborhood: *The use is the same as the existing and the other properties on the private road. The proposed new home will benefit the neighborhood by bringing the house up to the standards of the neighborhood. The existing home and the new home are well screened from the private road on the north side.*

State why there will not be a nuisance or serious hazard to vehicles or pedestrians using the following streets for the purpose of this permit: *The single-family use will remain and is on a private road with two other homes.*

Streets: \_\_\_\_\_



State how and what adequate and appropriate facilities will be provided for the proposed use: *Use is not changing*

Signed: *Ann H. Geo*

Address: 821 Bay Road

\_\_\_\_\_

Phone: 978-468-7120



Salem News, The



Publication Name:  
**Salem News, The**

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[www.salemnews.com/](http://www.salemnews.com/)

Publication City and State:  
**Salem, MA**

Publication County:  
**Essex**

Notice Popular Keyword Category:

Notice Keywords:  
**821 bay**

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Notice Publish Date:  
Monday, January 17, 2022

**Notice Content**

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ZONING BOARD OF APPEALS  
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WILLIAM BOWLER, CHAIR

January 11, 2022 – Copy of Public Hearing Notices given to the following Town of Hamilton Departments for comments if deemed necessary by the Department. Copies of entire application available upon request.	
✓	Police Department
✓	Fire Department
✓	Board of Health
✓	Conservation Commission
✓	Department of Public Works

The proposed foundation will encroach on the 20 foot setback to the septic leaching area.

The foundation in this area must either be a slab, or the leaching area must be moved to meet the 20 foot setback.

Greg Bernard  
Hamilton Septic Inspector  
1/13/22

1-20-22  
Comments from BOH  
NO other comments

MEMO FROM BUILDING COMMISSIONER RICHARD P. MALONEY



## Memorandum

**To:** Patrick Reffett & ZBA Members

**From:** Richard Maloney *RM*

**Date:** January 18, 2022

**Re:** 821 BAY ROAD – SPECIAL PERMIT

---

In researching the property to determine if the applicant would also need to go to the HDC relative to the Preservation Bylaw we discovered a variance for the existing dwelling that allowed the garage to be 10' from the Right of Way property line. The building is not non-conforming, but there by variance. As the variance runs with the land, and the proposal for the new structure is more than 10' from the property line there is no need for zoning relief.

Attachments:



TOWN OF HAMILTON - BOARD OF APPEALS

Decision (re-consideration) Granting a Variance

Lot 2-A - 823 Bay Road - David M. Wright No. 16 - 1976

Pursuant to a duly advertised public hearing held by the Board of Appeals, on Wednesday, November 17, 1976, it was unanimously voted to re-consider that part of the variance denied at a previous hearing, held on June 2, 1976 relative to the then existing two-car garage located on Lot 2-A which extended less than 25 feet from the street line; by reason of the fact that the Petitioner has shown good faith in removing said garage violation, as directed by the Board of Appeals, and conforming with our Town's Zoning By-Laws.

Therefore, in consideration of the above, the Board, voted, unan-  
imously, to grant the Petitioner a variance to allow the removal and  
placing of said two-car garage, next to the existing house, so that  
no part thereof in the front, will be no less than 10' (feet) from the  
same street line, as shown on a submitted plan dated August 2, 1976  
and filed with the Board. All other existing By-Laws and Regulations  
of the Town to be complied with.

\*\*\*\*\*

The duly advertised public hearing was held at the Town Hall at  
8:30 p.m., Wednesday, November 17, 1976 before Messrs. Robert C.  
Hagopian, Leonard J. LaChance and John H. Day, with Associate Members  
Robert E. Pelletier and Robert A. Greeley in attendance. The Public  
notice was read and the names of the notified abutters announced.

The Petitioner, David M. Wright, represented himself and produced  
evidence of his compliance with the directive of the Board of Appeals,  
relative to the violation of the two car garage on the premises Lot -  
2 A as referred to in a previous hearing on June 2, 1976. Motion was  
made by John H. Day, seconded by Leonard J. LaChance, and then unan-  
imously voted to re-consider the decision made on June 2, 1976  
relative to the two-car garage violation.

The Petitioner then stated that he would like to move and place  
said two-car garage next to his house as shown on a plan dated  
August 2, 1976, so that no part of the garage would be less than 10'  
(feet) from the street line in the front and no less than 20' (feet)  
from the same street line in the rear. That he needed said garage for  
his family vehicles.



LETTER FROM APPLICANT IN RESPONSE TO MEMO FROM BUILDING COMMISSIONER

January 20, 2022

Sent via email

To the Town of Hamilton Zoning Board of Appeals,

Based on a conversation I had with the Building Inspector, Rich Maloney, and my client, Anne Gero, we are respectfully requesting the withdrawal of our application.

Rich has determined that in 1976, a variance was granted which allowed the house/garage to sit +/- 10' within the front setback.

Given the variance runs with the land, our proposed house/garage fall within the jurisdiction of the original variance, and a special permit is not required.

If, for some reason, you do not agree with that assessment, please let me know as soon as possible.

Thank you for your time.

Brian Stein, LEED AP  
Owner/Principal  
bds design inc  
254 Bay Road  
Hamilton MA 01982  
p 978-530-4705  
m 508-472-7417  
[www.bdsdesigninc.com](http://www.bdsdesigninc.com)

**509 BRIDGE STREET APPLICATION**

## 509 Bridge Street Application Timeline

Applicants: Art & Linda Bevilacqua

(per MGL 40A, Section 11\*)

- Public Hearing Notice posted with Town Clerk on 01-12-22\*
- Mailed Public Hearing Notice to Abutters on 01-11-22\*
- Mailed Public Hearing Notice to Abutting Towns 01-11-22\*
- Hand Delivered Public Hearing Notice to BOH, Con. Com., Police, Fire, DPW  
– Comments from the Board of Health Agent Greg Bernard which were he had no issues with the application
- Public Hearing Notice published in the Salem News on January 17, 2022 and on January 24, 2022\*



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, FEBRUARY 2, 2022, AT 7:00 PM, VIA ZOOM/TELEPHONE, FOR A VARIANCE APPLICATION SEEKING RELIEF FROM ZONING BYLAW DIMENSIONAL & DENSITY REGULATIONS: SECTION 4.1.5, DUE TO SET-BACK REQUIREMENTS IN ORDER TO CONSTRUCT A BARN TO BE SITED 16' FROM SIDE LOT LINE. THE PROPERTY IS LOCATED AT 509 BRIDGE STREET, ASSESSOR'S MAP 51, LOT 10, OWNERS ARE ANTONIO & LINDA BEVILACQUA. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.

WILLIAM BOWLER, CHAIR



TOWN OF HAMILTON  
ZONING BOARD OF APPEALS

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

Date Submitted:

Applicant Name: Antonio Arthur Phone: 617-877-1291

Applicant Address: Bevilacqua & Linda L Bevilacqua  
509 Bridge St, Hamilton MA 01982

Applicant respectfully petitions the Board of Appeal for the following:

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

- Variance: (State Type) - Section 4, Dimensional & Density, side setback variance (Section 4.1.5)
- 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: R1B MAP 51 Lot 10  
Existing Lot Size: .927 Acres

State Briefly what structures are on the property: Single Family residence and two small sheds. The two sheds are to be removed

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

Construct a new post & beam barn, nominal size 32' square, located 16' from the west side property line (required = 20')

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

None

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

None

Signed: Antonio Bevilacqua

Address: 509 Bridge St  
Hamilton MA 01982

Phone: 617-877-1291

abevilac@verizon.net

Rec.  
1-3-22  
\$75 paid

Salem News, The



Publication Name:  
**Salem News, The**

Publication URL:  
[www.salemnews.com/](http://www.salemnews.com/)

Publication City and State:  
**Salem, MA**

Publication County:  
**Essex**

Notice Popular Keyword Category:

Notice Keywords:  
**509 bridge**

Notice Authentication Number:  
**202201200824151746314**  
**1180225809**

Notice URL:

[Back](#)

Notice Publish Date:  
Monday, January 17, 2022

**Notice Content**

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, FEBRUARY 2, 2022, AT 7:00 PM, VIA ZOOM/TELEPHONE, FOR A VARIANCE APPLICATION SEEKING RELIEF FROM ZONING BYLAW DIMENSIONAL & DENSITY REGULATIONS: SECTION 4.1.5, DUE TO SET-BACK REQUIREMENTS IN ORDER TO CONSTRUCT A BARN TO BE SITED 16' FROM SIDE LOT LINE. THE PROPERTY IS LOCATED AT 509 BRIDGE STREET, ASSESSOR'S MAP 51, LOT 10, OWNERS ARE ANTONIO & LINDA BEVILACQUA. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.  
WILLIAM BOWLER, CHAIR  
SN - 1/17, 1/24/22

[Back](#)



NOTICE OF PUBLIC HEARING

TOWN OF HAMILTON – ZONING BOARD OF APPEALS

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WILLIAM BOWLER, CHAIR

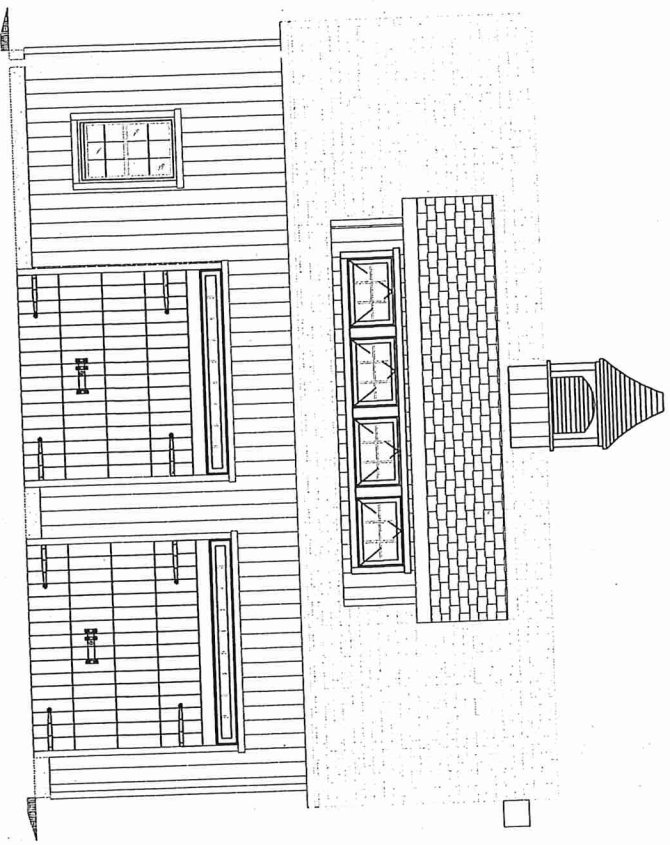
The Board of Health  
has no issues.

Greg Bernard

Hamilton Septic Inspector  
1/13/22



LENOX CARRIAGE BARN FOR:  
**ARTHUR BEVILLACQUA**  
 509 BRIDGE ST  
 HAMILTON, MA 01982



22' x 32' POST & BEAM CARRIAGE BARN W/ 10' LEAN-TO  
 REVISION DATE: 09/21/2021      REVISION #: 1

DESIGNED & FABRICATED BY:

**The BARN YARD**

**DRAWING LIST**

COVER	TITLE SHEET & DESIGN DATA
SHEET 1	ELEVATIONS
SHEET 2	FOUNDATION PLAN
SHEET 3	POST & SILL PLAN
SHEET 4	FRAMING PLANS
SHEET 5	FRAMING SECTIONS
SHEET 6	FRAMING SECTIONS
SHEET 7	NOTES & DETAILS

**THE BARN YARD**  
 MANUFACTURING & DESIGN FACILITY  
 9 VILLAGE ST.  
 ELLINGTON, CT 06023  
 860.454.9103

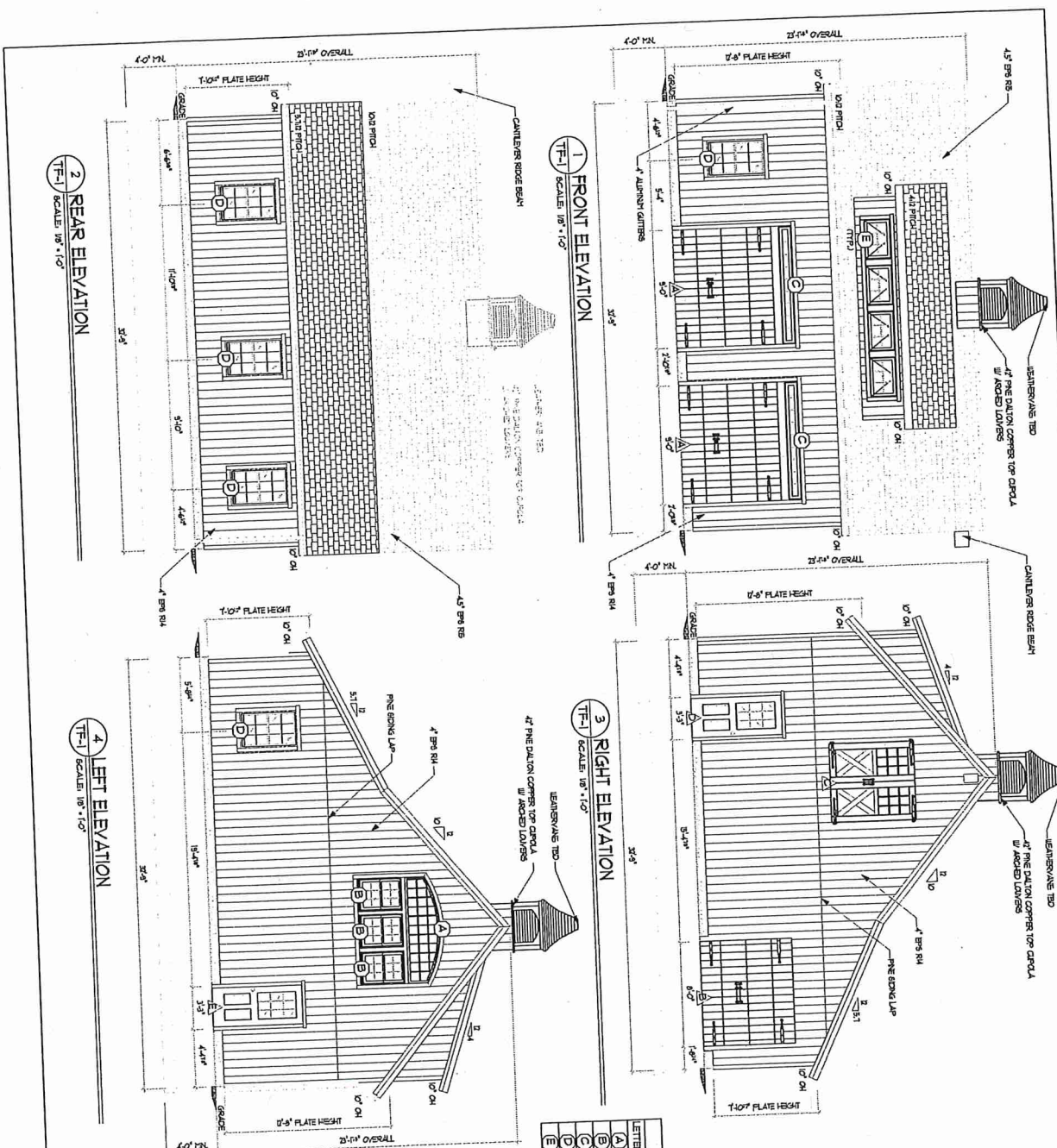
SHOWCASE LOCATIONS:

RTE. 6  
 120 WEST RD.      BETHEL, CT 06801  
 ELLINGTON, CT 06023      203.740.7453  
 860.836.0636

www.greatcountrygarners.com      CT LICENSE # 558916      MA LICENSE # 171580

NOTE:  
 ELEVATIONS & RENDERINGS  
 ARE ARTISTS CONCEPTIONS,  
 COLOR AND OPTION STYLES  
 MAY DIFFER FROM ACTUAL  
 CONSTRUCTION.

PROJECT NO. 7166      PRINT DATE: 09.21.2021



**BUILDING MATERIAL SCHEDULE**

ITEM	DESCRIPTION	FINISH/COLOR
ROOF ASSEMBLY		
ROOF PEGGING	1/2" PINE V-GROOVE BEAMS	N/A
ROOF INSULATION	4" EPS INS SHEET	N/A
ROOF FINISH	30 YEAR T&NO ARCHITECTURAL SHINGLES	TBO
ROOFING	1/2" ASPHALT PINE	NONE
BASE OSB/SHEATH	5/8" PINE OSB	NONE
WALL ASSEMBLY		
WALL INSULATION	2" RIGID POLYURETHANE SHEET	NONE
WALL FINISH	4" EPS INS SHEET	NONE
WALL OSB/SHEATH	5/8" PINE OSB	NONE
WALL ASSEMBLY		
WALL INSULATION	2" RIGID POLYURETHANE SHEET	NONE
WALL FINISH	4" EPS INS SHEET	NONE
WALL OSB/SHEATH	5/8" PINE OSB	NONE
WALL ASSEMBLY		
WALL INSULATION	2" RIGID POLYURETHANE SHEET	NONE
WALL FINISH	4" EPS INS SHEET	NONE
WALL OSB/SHEATH	5/8" PINE OSB	NONE

NOTE: ALL 4" EPS INS SHEET SHALL BE 1" MIN. OVER SHEATHING.

**ANDERSEN 400 SERIES WINDOW SCHEDULE**

LETTER	QTY	MODEL	TEMP. COLOR	GRILL	RGH. CPG. (UMH)
A	1	6 BOSS TOP	TBD	600	6'-0" W x 2'-1" H
B	3	TURBO DOUBLE HUNG	YES	600	2'-4" W x 3'-8" H
C	2	3/4" CUSTOM TRANSOM	NO	TBD	600
D	5	TURBO DOUBLE HUNG	NO	TBD	600
E	4	3/4" TRANSOM	NO	TBD	600

**DOOR SCHEDULE**

LETTER	QTY	FRAME	MODEL	RGH. CPG. (UMH)
A	2	TBY	6" x 6" PINE FACE OVER HEAD DOOR W/ ALUM. STRIP HANDS AND OAK LINCH	5'-2" x 7'-1"
B	1	TBY	6" x 6" PINE FACE OVER HEAD DOOR W/ ALUM. STRIP HANDS AND OAK LINCH	6'-2" x 7'-1"
C	1	TBY	6" x 6" DOUBLE BARN DOORS W/ ALUM. STRIP HANDS AND OAK LINCH	6'-0" x 6'-6"
D	1	TBY	6" x 6" DOUBLE BARN DOORS W/ ALUM. STRIP HANDS AND OAK LINCH	35'-0" x 6'-6"
E	1	TBY	6" x 6" DOUBLE BARN DOORS W/ ALUM. STRIP HANDS AND OAK LINCH	35'-0" x 6'-6"

**PROJECT:** CARRIAGE BARN FOR: ARTHUR DEVIACOLA, 503 BRIDGE ST, HAMILTON, VA 01992

**ELEVATIONS:** 4S NOTED

**DATE:** 09-21-21

**SCALE:** AS NOTED

**PROJECT NO:** LND

**DESIGNER:** ELIS

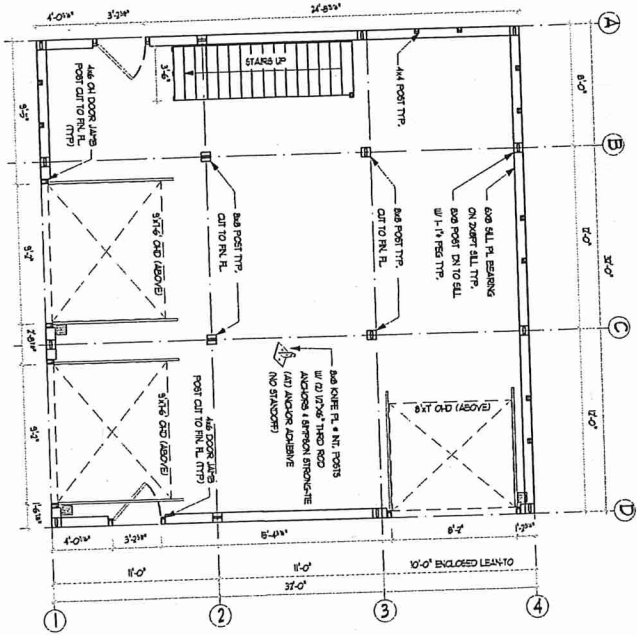
**PROJECT ID:** T166

**THE BARN YARD**

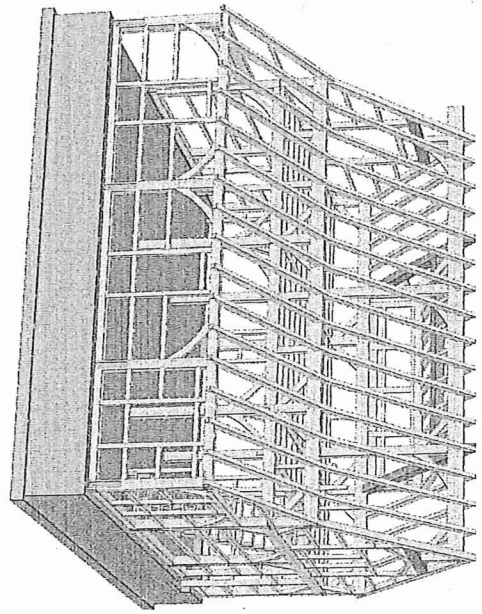
1000 W. MARKET STREET, SUITE 100  
HAMILTON, VA 01992  
TEL: (540) 961-1111  
WWW.THEBARNYARD.COM

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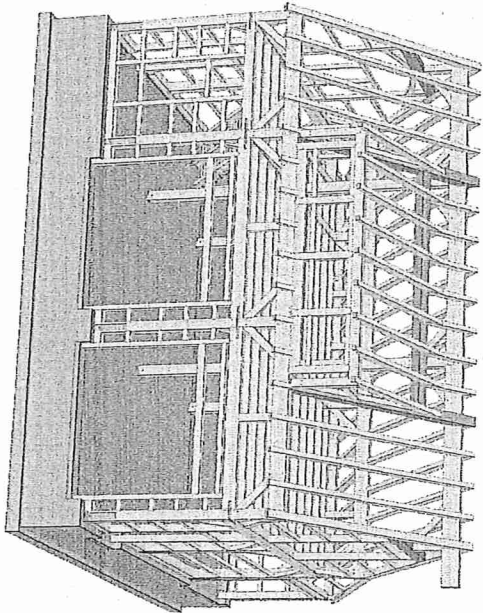




1 POST & SILL PLAN  
TF-3 SCALE: 1/8" = 1'-0"



3 REAR 3D RENDERING  
TF-3 SCALE: 1/8" = 1'-0"



2 FRONT 3D RENDERING  
TF-3 SCALE: 1/8" = 1'-0"

**The BARN YARD**  
THE BARN YARD  
1400 W. 10TH ST. SUITE 100  
HAMILTON, MA 01982  
TEL: 413-568-1100  
WWW.THEBARNYARD.COM

**PROJECT TITLE**  
LENOX CARRIAGE BARN FOR  
ARTHUR BEVILACQUA  
303 BRIDGE ST  
HAMILTON, MA 01982

**POST & SILL PLAN**

**DATE**  
03-21-21

**SCALE**  
AS NOTED

**DESIGNER**  
TF-30F 1

**NO.** 1166

**REVISIONS**

NO.	DATE	REVISION / DESCRIPTION

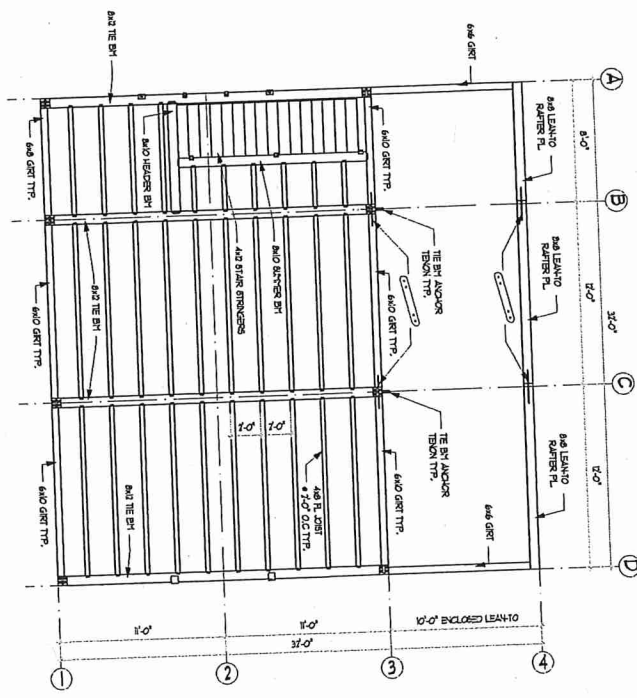
**NOTES:**

1. ALL DIMENSIONS SHALL BE PER O.B.C. UNLESS OTHERWISE NOTED.
2. REFER TO THE ARCHITECT'S GENERAL NOTES FOR A COMPLETE LIST OF MATERIALS AND FINISHES.
3. ALL POSTS AND SILLS SHALL BE SET IN CONCRETE FOUNDATIONS.
4. THE ROOF SHALL BE A GABLE ROOF WITH A 12:12 PITCH.
5. THE FLOOR SHALL BE A 4" CONCRETE SLAB ON GRADE.
6. THE EXTERIOR WALLS SHALL BE 8" CMU WITH 1/2" GYPSUM BOARD AND FINISH.
7. THE INTERIOR WALLS SHALL BE 5" CMU WITH 1/2" GYPSUM BOARD AND FINISH.
8. THE CEILING SHALL BE 5" CMU WITH 1/2" GYPSUM BOARD AND FINISH.
9. THE ROOF TRUSSES SHALL BE 2x12 SIPS WITH 12" RAFTERS.
10. THE ROOF SHEATHING SHALL BE 1/2" OSB.
11. THE ROOF VENTING SHALL BE PER LOCAL CODES.
12. THE FOUNDATION SHALL BE PER LOCAL CODES.
13. THE EXTERIOR DOOR SHALL BE PER LOCAL CODES.
14. THE EXTERIOR WINDOWS SHALL BE PER LOCAL CODES.
15. THE INTERIOR DOOR SHALL BE PER LOCAL CODES.
16. THE INTERIOR WINDOWS SHALL BE PER LOCAL CODES.
17. THE STAIRS SHALL BE PER LOCAL CODES.
18. THE STAIRS SHALL BE PER LOCAL CODES.
19. THE STAIRS SHALL BE PER LOCAL CODES.
20. THE STAIRS SHALL BE PER LOCAL CODES.

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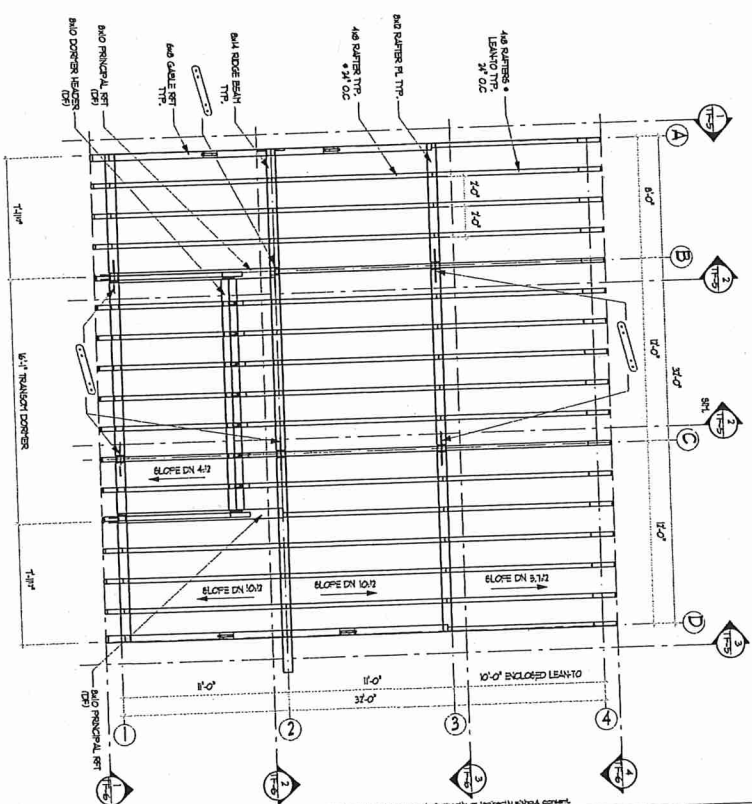


200 THE BARN YARD, All Rights Reserved. This drawing is the property of The Barn Yard and is loaned to you under license and shall not be copied, reproduced or otherwise in whole or in part without consent.  
 PROJECT: LENOX CARRIAGE BARN FOR ARTHUR BEVILLACOLA  
 503 BRIDGE ST  
 HAMILTON, VA 01982  
 DATE: 09-21-21  
 SCALE: AS NOTED  
 DRAWN BY: LND  
 CHECKED BY: EUG  
 PROJECT ID: T166



**1 SECOND FLOOR FRAMING PLAN**  
 TF-4 SCALE: 1/8" = 1'-0"

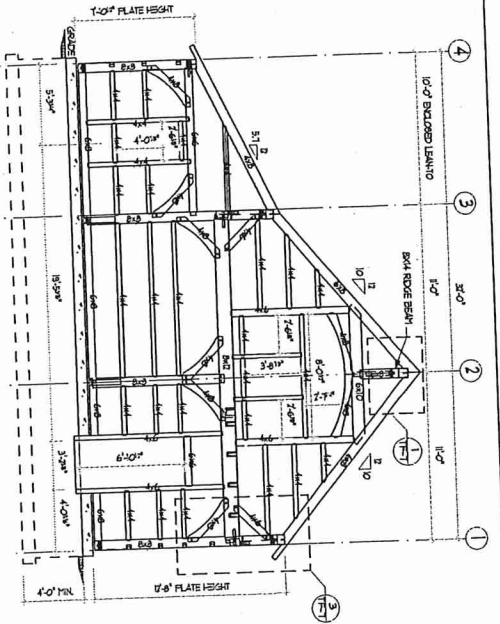
3/4" DIA. CORE PL. BR/ALUMINUM NAIL  
 PER I (CF 10)



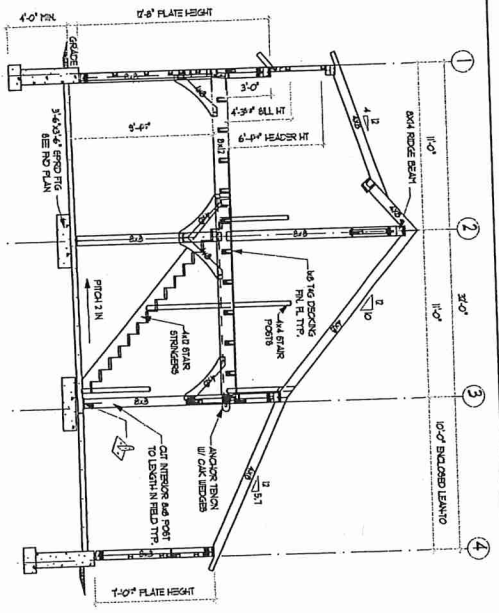
**2 ROOF FRAMING PLAN**  
 TF-4 SCALE: 1/8" = 1'-0"

PROJECT TITLE	LENOX CARRIAGE BARN FOR ARTHUR BEVILLACOLA
DATE	09-21-21
SCALE	AS NOTED
DRAWN BY	LND
CHECKED BY	EUG
PROJECT ID	T166

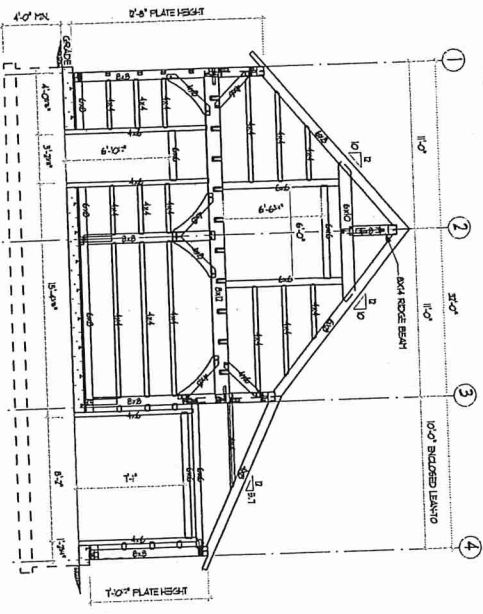
**FRAMING PLAN**  
**TF-40F 1**



1 SECTION - LINE A  
TF-5 SCALE: 1/8"=1'-0"



2 SECTION - LINE B & C (SIMILAR)  
TF-5 SCALE: 1/8"=1'-0"



4 SECTION - LINE D  
TF-5 SCALE: 1/8"=1'-0"

**The BARN YARD**  
THE BARN YARD  
1400 W. 10th St.  
HAMILTON, MA 01982  
TEL: 508-562-1111  
WWW.BARNYARDMA.COM

**PROJECT TITLE:**  
LENOX CARRIAGE BARN FOR:  
ARTHUR BENVILACOLA  
503 BRIDGE ST  
HAMILTON, MA 01982

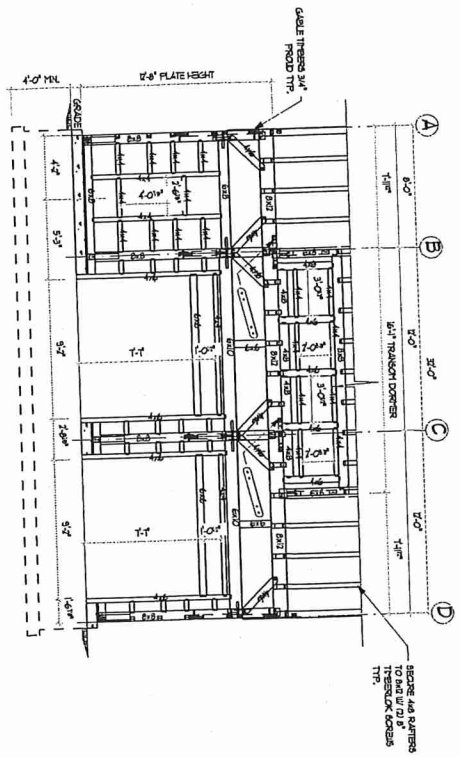
**DATE:** 09-21-21  
**SCALE:** AS NOTED

**DESIGNER:** TF-50F 1  
**REVISION:** 1/66

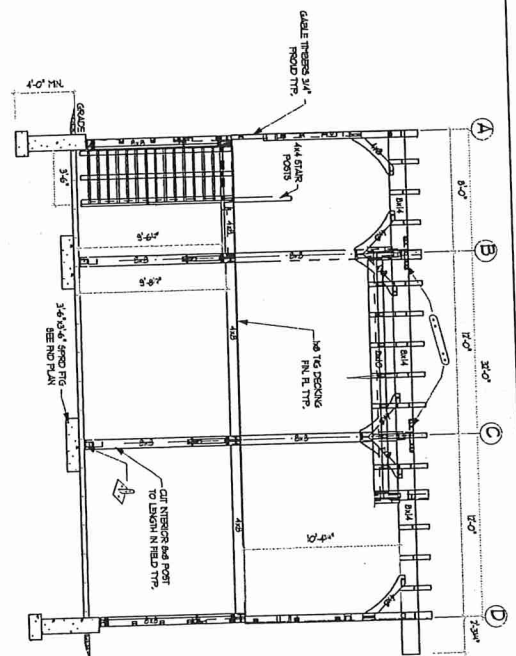
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**FRAMING CODES:**  
THE TRUSS/JOISTS BEARING MEMBERS SHALL BE 2X6 OR 2X8 LVL.  
ROOF TRUSS/JOISTS SHALL BE 2X6 OR 2X8 LVL.  
SECOND FLOOR SHALL BE 2X6 OR 2X8 LVL.  
FLOOR JOISTS SHALL BE 2X6 OR 2X8 LVL.  
CEILING JOISTS SHALL BE 2X6 OR 2X8 LVL.  
WALLS SHALL BE 8" CMU OR 12" CMU.  
ROOF SHALL BE 1/2" OSB OR 1/2" GYP.  
FLOOR SHALL BE 1/2" OSB OR 1/2" GYP.  
CEILING SHALL BE 1/2" OSB OR 1/2" GYP.  
ROOF SHALL BE 1/2" OSB OR 1/2" GYP.  
FLOOR SHALL BE 1/2" OSB OR 1/2" GYP.  
CEILING SHALL BE 1/2" OSB OR 1/2" GYP.

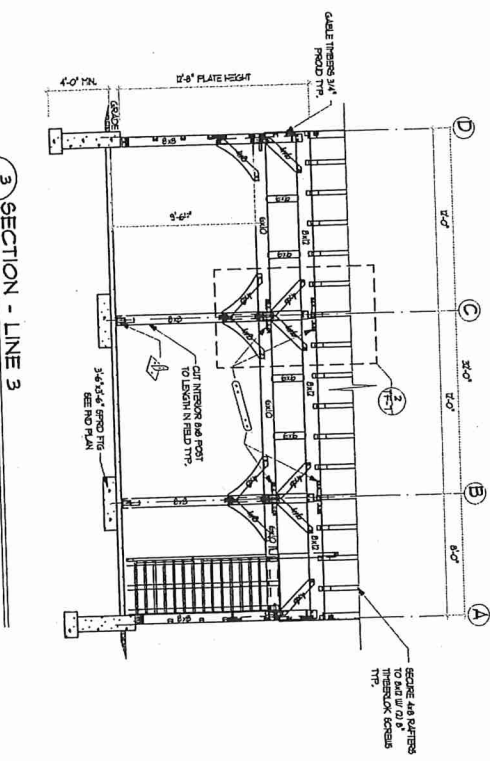




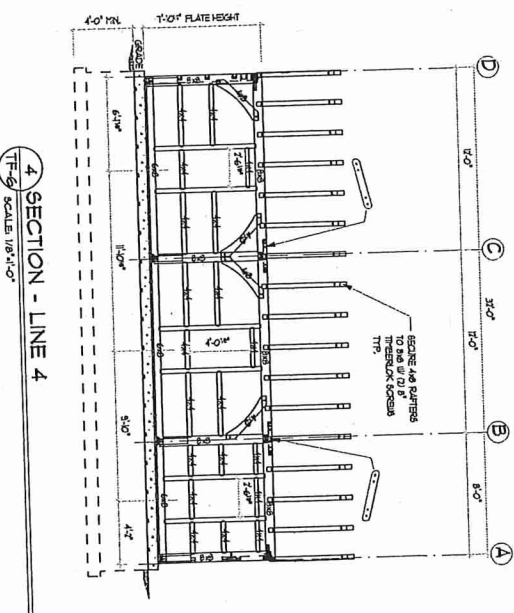
1 SECTION - LINE 1  
SCALE: 1/8"=1'-0"



2 SECTION - LINE 2  
SCALE: 1/8"=1'-0"



3 SECTION - LINE 3  
SCALE: 1/8"=1'-0"



4 SECTION - LINE 4  
SCALE: 1/8"=1'-0"

**The BARN YARD**  
BARN YARD ARCHITECTURE  
100 THE BARN YARD  
HAMILTON, MA 01922  
TEL: 508.538.1166  
WWW.BARNYARDARCHITECTURE.COM

**LENOX CARRIAGE BARN FOR:**  
ARTHUR BEVILACCA  
503 BRIDGE ST  
HAMILTON, MA 01922

DATE	03-21-21	SCALE	AS NOTED
PROJECT	LENOX	DATE	03-21-21
DESIGNER	ELIS	PROJECT NO.	TF-2017

**FRAMING SECTIONS**

NOTES:  
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.  
2. REFER TO ARCHITECTURAL DRAWINGS FOR FINISHES AND MATERIALS.  
3. ALL JOISTS AND TRUSSES TO BE SPACED AT 24" ON CENTER UNLESS OTHERWISE NOTED.  
4. ALL CONNECTIONS TO BE SHOWN BY STRUCTURAL SYMBOLS AS NOTED.





No. 7166 Date: 07-29-2021

Store: Ellington

1-800-628-2276 | www.greatcountrygarages.com



Type: Quote

Salesperson: Chris Skinner

CUSTOMER  
Arthur Bevilacqua  
Source: Previous Customer

JOB LOCATION & MAILING ADDRESS  
509 Bridge St  
Hamilton, MA 01982

PHONE (PRIMARY)  
(617) 877-1291

EMAIL (PRIMARY)  
abevilac@verizon.net

## 22x32 Special Package Carriage Barn Post & Beam 2-Story Barn

Qty	Description	Notes	Regular \$	Sale \$
	<b>Built Price</b>	Regular Price \$90,183.00 - 10% Discount (\$9,018.00 Savings)	\$90,183.00	\$81,165.00
	Sealed Engineered Blueprints for Barn & Foundation			\$17,910.00
1	10' x 32' Enclosed Lean-to Overhang			
	Authentic Mortise & Tenon Post & Beam Construction			
	Eastern White Pine Timber Frame with Finished Planed Surface	8'-12'-12' Bent Spacing		
	Traditional Wood Joinery with Hardwood Oak Pegs (no visible fasteners)			
	6x8 Timber Sills, 8x8 Posts, 8x12 Tie Beams, 4x8 Loft Joists, 8x10 Rafter Plates, 4x8 Arched Braces, 4x4 Siding Nailers			
	10' First Floor Ceiling Height (12'8" eave height)			
	1x8 Kiln Dried Vertical Shiplap Pine Siding & Trim			
	10-12 Roof Pitch			
	4x10 Pine Rafters			\$10,640.00
	16' Transom style dormer with structural ridge beam			
	1x8 Kiln Dried Premium T&G Pine V-Groove Loft Flooring & Roof Decking			
	22' x 32' Upstairs Floor Space with 3' Knee-wall & 8' Collar Tie Height			
	Timber Stairway to Second Floor (3'-6" wide)			
	4" Gable & 10" Eave Overhangs	Color:		
	30 Year Tamko Architectural Shingles over Synthetic Underlayment			\$9,500.00
2	9' x 7'6" Pine Faced Overhead Door with Oak Latch & Authentic Strap Hinges			\$4,245.00
1	8' x 7' Pine Faced Overhead Door with Oak Latch & Authentic Strap Hinges			\$3,255.00
3	Liftmaster 8500 Jackshaft Garage Door Openers with keypad			\$1,850.00
1	6' x 6'6" Dbl Barn Doors with Insulated Half Glass			\$1,500.00
2	3068 Therma-Tru S262 Fiberglass Entry Doors with Half Glass			\$5,220.00
1	Andersen 400 series 8' bow top window with 3 single hung windows below (GBG)			\$2,790.00
2	9' x 1' Andersen Transom Windows (SDL)			\$3,600.00
5	Andersen TW24310 400 series double hung windows (GBG)			\$2,440.00
4	Andersen A31 Awing windows (GBG) in Transom Dormer			\$44,440.00
	4" EPS R14 Nailbase Structural Insulated Wall Panels (Includes interior layer of pine)			\$34,840.00
	4.5" EPS R15 Structural Insulated Roof Panels			\$1,900.00
	36" Pine Carlisle Copper Top Cupola with Arched Louvers & Choice of Standard Size Copper Weathervane			\$9,800.00
	Crew Travel & Mobilization Charge			\$650.00
	4" Aluminum Gutters on Front & Rear Eave of Building with 2 downspouts			\$-6,000.00
	Special Package Discount (This Building Only)			\$229,745.00
	<b>Total</b>			
	<b>Options Available</b>			\$21,150.00
	Upgrade to Primed Cedar Clapboard Siding (4.5" Reveal)			

**Two Hundred Twenty-Nine Thousand Seven Hundred Forty-Five Dollars (\$229,745.00)**

[Make a Payment »](#)

Payments to be made as follows:

15% Deposit  
\$34,462.00

30% On go-ahead to obtain build date  
\$68,924.00

50% On Raising Day  
\$114,873.00

5% Upon completion  
\$11,486.00

Note: Document is good if signed by 07-31-2021.  
Lead Time From Receipt of Go-Ahead Payment: 9 months

Foundation Site Check: No  
Exclusions: General construction management, permits, site work, foundation, painting, staining, electrical

Authorized Signature: \_\_\_\_\_

Chris Skinner, Vice President

Customer Signature: *Arthur Bevilacqua*

Dated: \_\_\_\_\_

11-8-21

No. 7166 Date: 07-29-2021

Store: Ellington

1-800-628-2276 | www.greatcountrygarages.com



Type: Quote

Salesperson: Chris Skinner

CUSTOMER

Arthur Bevilacqua  
Source: Previous Customer

JOB LOCATION & MAILING ADDRESS

509 Bridge St  
Hamilton, MA 01982

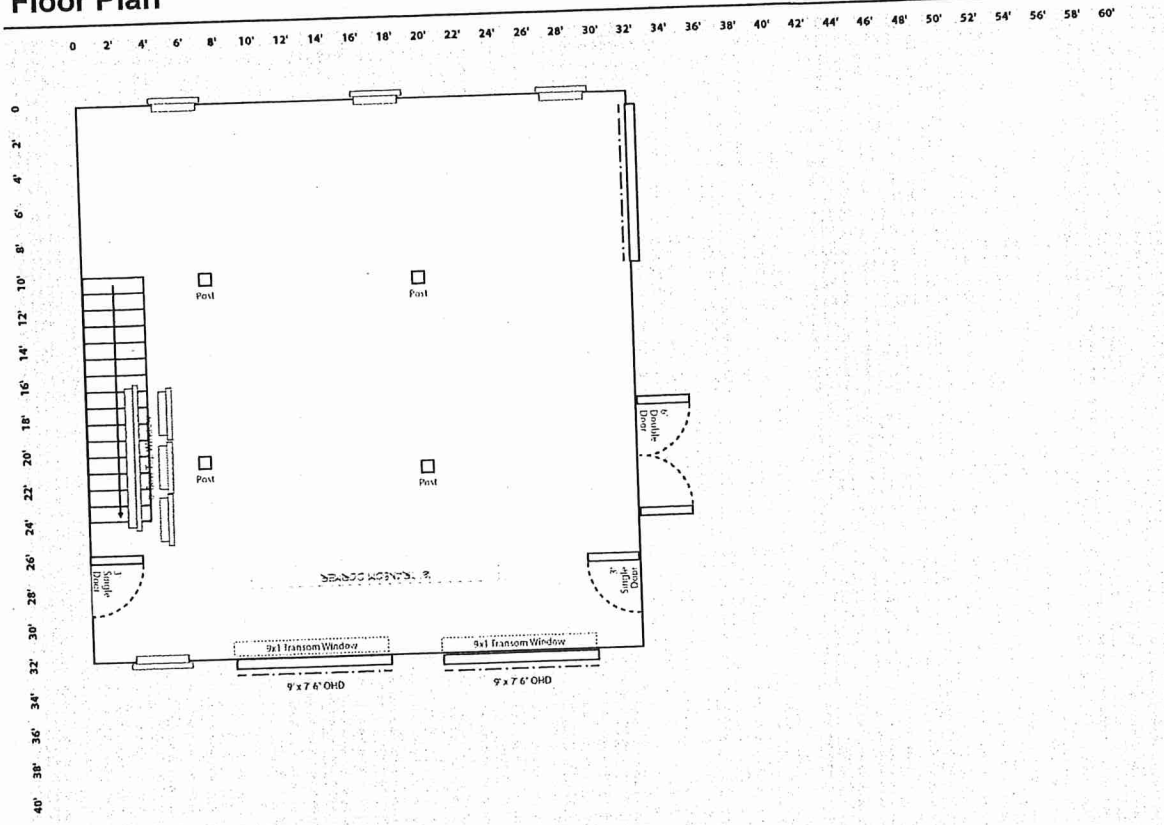
PHONE (PRIMARY)

(617) 877-1291

EMAIL (PRIMARY)

abevilac@verizon.net

### Floor Plan



No. 7166 Date: 07-29-2021

Store: Ellington

1-800-628-2276 | www.greatcountrygarages.com



Type: Quote

Salesperson: Chris Skinner

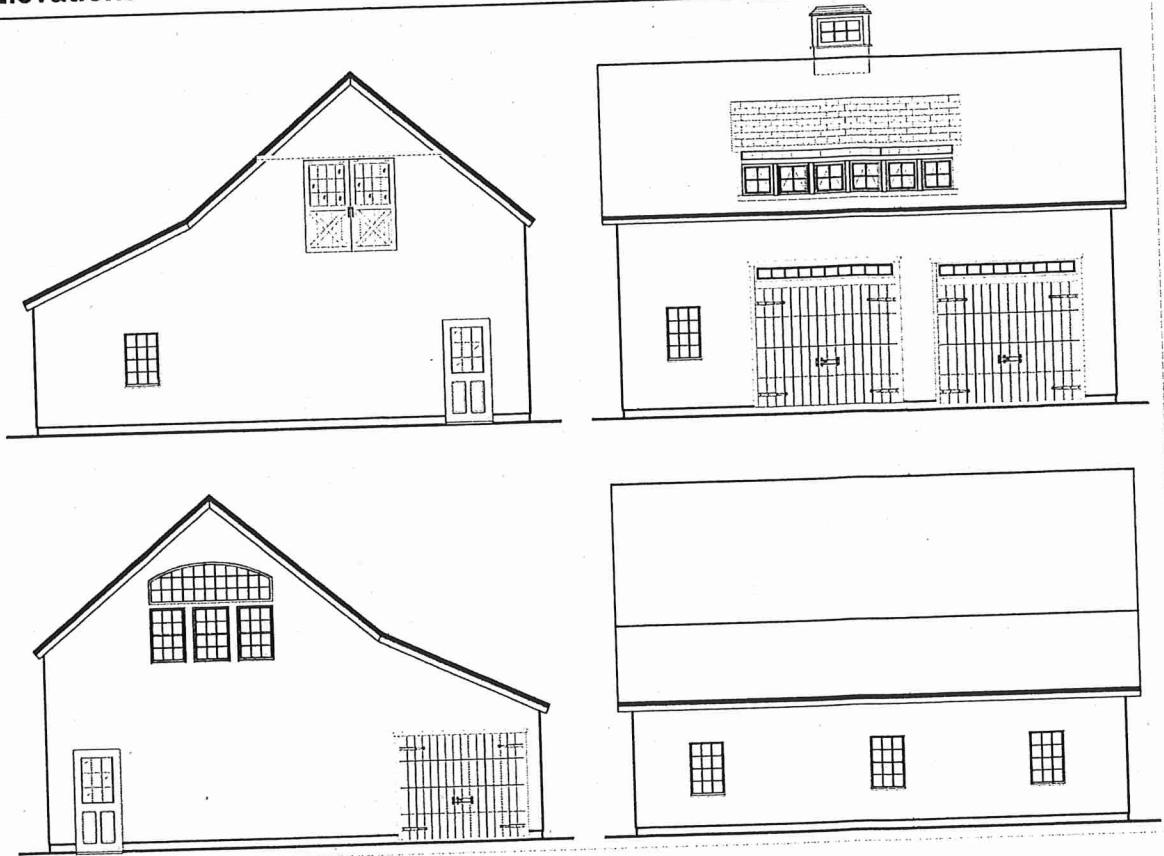
CUSTOMER  
Arthur Bevilacqua  
Source: Previous Customer

JOB LOCATION & MAILING ADDRESS  
509 Bridge St  
Hamilton, MA 01982

PHONE (PRIMARY)  
(617) 877-1291

EMAIL (PRIMARY)  
abevilac@verizon.net

## Elevations





No. 7166 Date: 07-29-2021

Store: Ellington

1-800-628-2276 | www.greatcountrygarages.com



Type: Quote

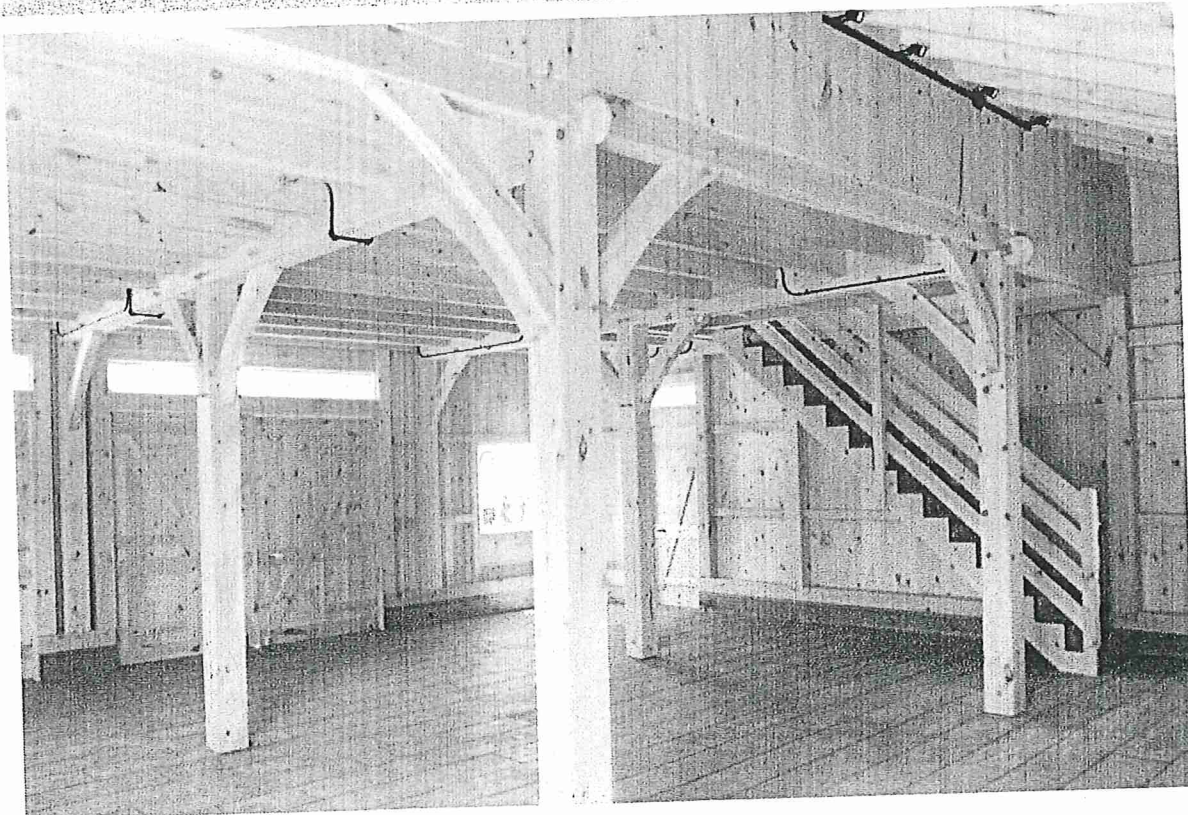
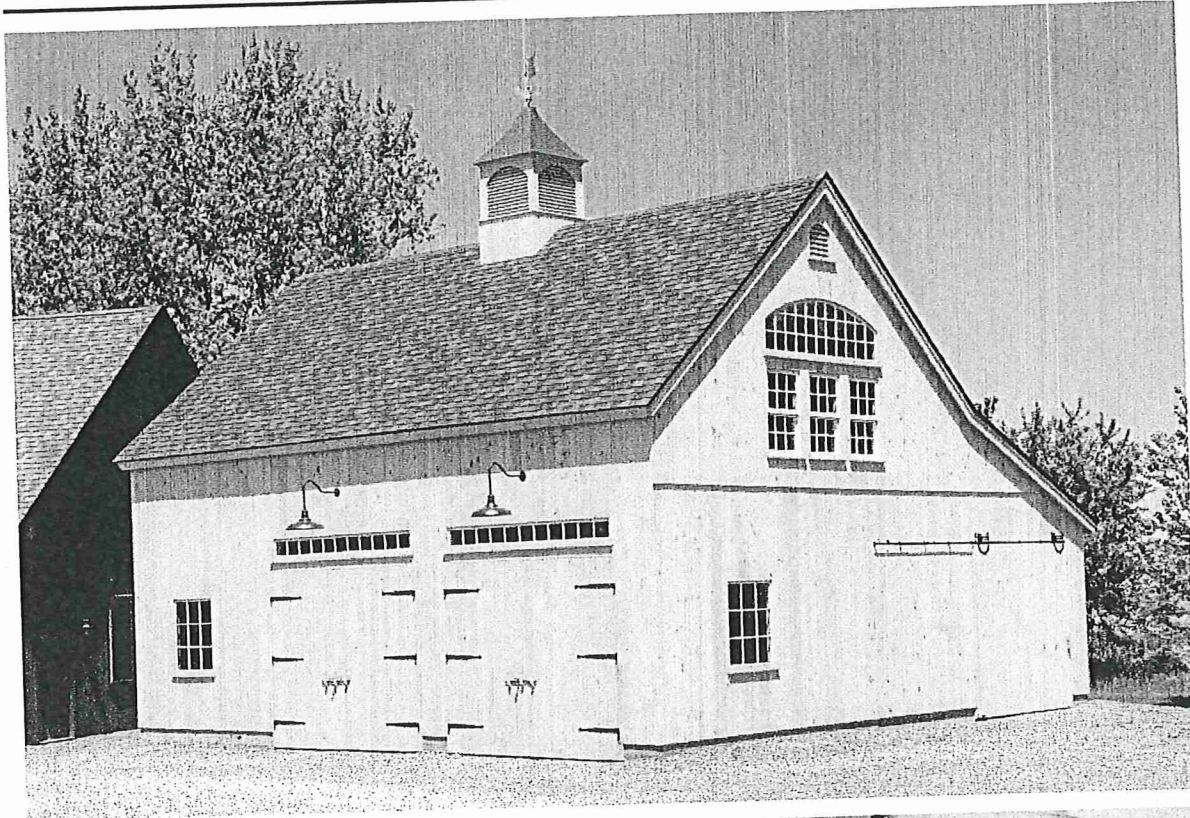
Salesperson: Chris Skinner

CUSTOMER  
Arthur Bevilacqua  
Source: Previous Customer

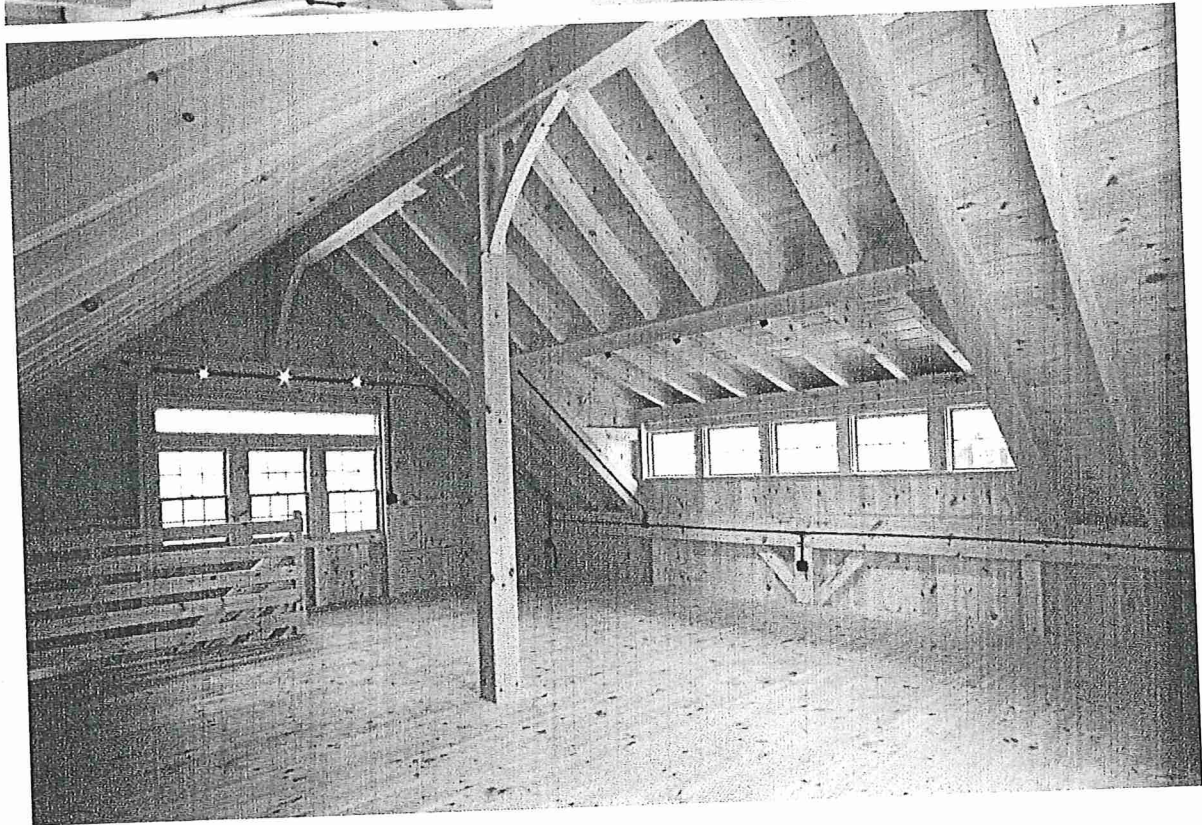
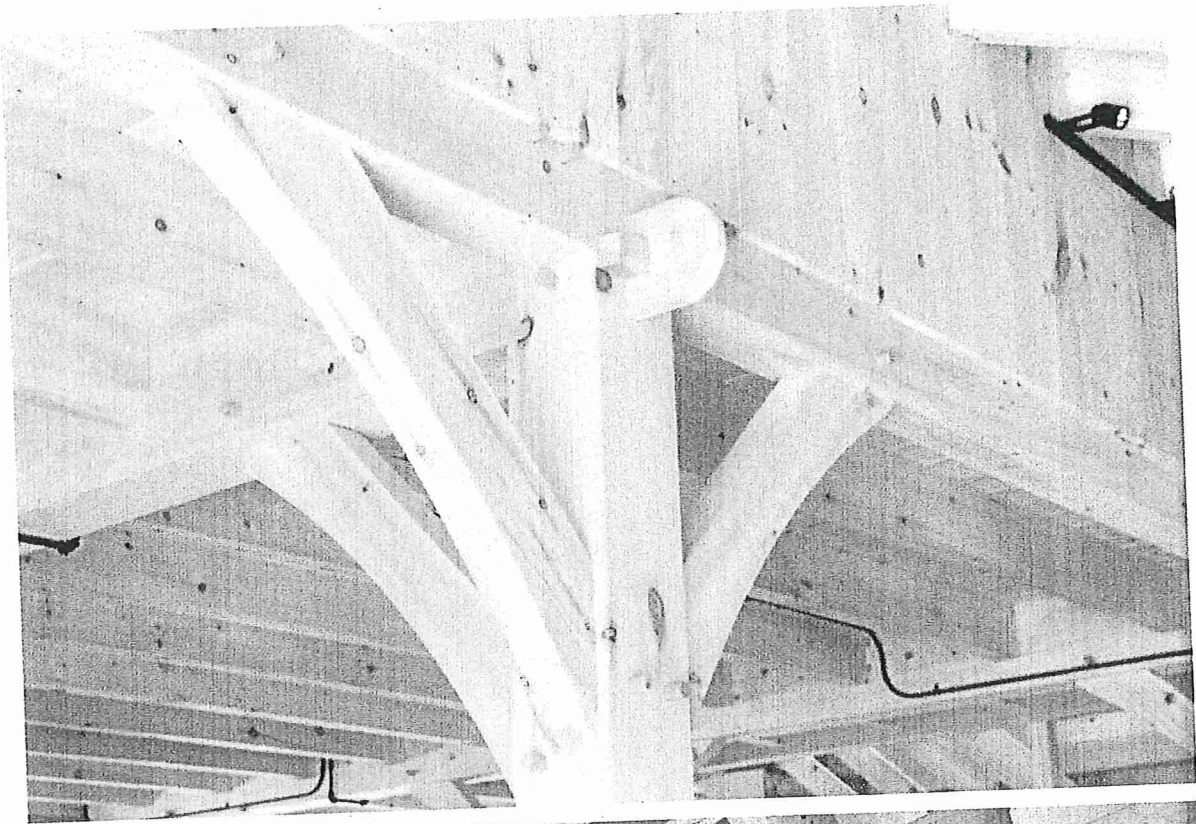
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CUSTOMER  
Arthur Bevilacqua  
Source: Previous Customer

JOB LOCATION & MAILING ADDRESS  
509 Bridge St  
Hamilton, MA 01982

PHONE (PRIMARY)  
(617) 877-1291

EMAIL (PRIMARY)  
abevilac@verizon.net

# General Terms and Conditions

CT HIC License No. 0558916

Date of Transaction:

1. **Acceptance:** Your signature and return of the quote provided by Contractor is evidence of your acceptance of such quote, and creates a binding agreement between you and Contractor for the work described.

2. **Right of Cancellation:** You may cancel this transaction, without any penalty or obligation, within three business days from the above date. If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten business days following receipt by the seller of your cancellation notice and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under the contract or sale; if you do make the goods available to the seller and the seller does not pick them up within twenty days of the date of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to The Barn Yard Enterprises, Inc. at 9 Village Street, Ellington, CT 06029 not later than midnight of the third business day.

I hereby cancel this transaction.

**Sign here only if you are cancelling this transaction.**

Date: \_\_\_\_\_ Buyer's Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

3. **General Terms and Conditions:** These general terms and conditions are an inherent part of this agreement and the work to be performed by Contractor. These general terms and conditions may not be changed or altered except in a writing signed by both you and Contractor.

4. **Access to Work:** You will grant free access to work areas for workers and vehicles and allow storage of materials and rubbish. You agree to keep driveways clear and available for movement and parking of trucks during normal working hours (this includes removal of snow and ice).

5. **Protection of Property:** You are responsible for securing the safety of the property. Contractor and workers shall not be expected to keep gates and the like closed for animals and children. You agree to remove and/or protect any personal property, in or near the work area, including shrubs, flowers, items of your personal property and the like.

6. **Damage to Property:** Contractor shall not be held responsible for damage to plantings, gardens, grass or driveway due to normal and necessary construction activities or traffic.

7. **Requirements of Public Bodies:** Any changes, alterations to, or omissions from the drawings or specifications which may be required by any public body, utility, or inspector shall constitute a change in the work and shall be paid for in the same manner as described in #8.

8. **Changes of Work:** During the progress of construction, you may order extra work without invalidating this agreement, and such changes or extra work will begin upon written orders. The amount for such extra work shall be determined in advance, if possible. All sums for extra work are due and payable upon signing, or at the next scheduled payment.

9. **Price Increase:** The cost of sourcing materials is subject to changing market conditions and outside the control of Contractor. The price for the work that is the subject of this contract was based on materials pricing available to Contractor as of the quote date. If during the performance of this contract the price of materials significantly increases, Contractor reserves the right to make upward adjustments to the contract price to account for Contractor's increased cost and expense in sourcing necessary materials for the work after the quote date, other than due to a delay in performance caused by Contractor's negligence. Contractor will provide written notice of termination to Contractor and payment of costs expended in performance of the contract within 15 business days of Contractor's price increase notice, or delay performance by Contractor, failure to respond to a price increase notice, among other things, a delay in obtaining permits and approvals, your decision to pause, reschedule or delay performance by Contractor, failure to respond to a price increase notice, and payment is not provided to Contractor until it receives full payment of the price increase. If full payment is not received within 30 days of the invoice date are the price increase, through no fault of Contractor, as a result of material shortages, Contractor shall not be liable for any additional costs or damages associated with any such delay.

10. **Payments:** Payments are due at the times specified in the agreement, and you are responsible for all costs of collection for past due amounts, including reasonable attorneys' fees.

11. **Underground Conditions:** Regarding site work services: In the event that unsuitable soil conditions, rock, ledge, septic systems or any other material not removable by ordinary excavation equipment is encountered, the removal of said material shall be paid for as above (#8 Change of Work). The correction of adverse ground water conditions, unless already stated, constitutes a change in the work.

12. **Conduits, Pipes and Ducts:** Unless specifically included, the agreed price does not include the rerouting of pipes, vents, ducts or wiring which may be discovered in the removal of walls or in the cutting of openings in walls unless otherwise noted.

13. **Underground Pipes:** Contractor is not responsible for damage to, or removing or rerouting of, hidden pipes, sprinkler lines, water or sewage systems or conduits in the areas of excavating/grading unless accurately mapped out by you prior to job start.

14. **Bugs, rot, mold, etc.:** Contractor shall not be obligated to perform any work to find or correct damage either caused by termites, ants, dry rot, or mold or any other hazardous condition unless specifically stated in the agreement, nor to treat, kill or otherwise eradicate the condition without compensation as shown above under #8.

15. **Removal of Materials:** Contractor shall remove all construction rubbish at the termination of work and the premises shall be left in a neat, "broom clean" condition.

16. **Work Stoppage:** Contractor shall have the right to stop work if payments are not made when due and to keep the job idle until such payments are received. Any payment more than 5 days past due, may be considered lousy overdue.

17. **Subcontractors/Substitutions:** Contractor may subcontract portions of this work to property registered, licensed, and/or qualified persons. In the event any of the materials herein described are not available, Contractor reserves the rights to make substitutions, providing the substitutions are equal to or exceed the quality of the items herein described.

18. **Property Lines:** You are responsible for indicating to Contractor the corners of the property and/or furnishing a certified and acceptable plot plan and shall assume responsibility for the accuracy of it.

19. **Permits:** You are responsible for obtaining all necessary permits and approvals from relevant authorities prior to the start of the contracted work. Contractor has no responsibility for obtaining permits, approvals or authorizations.

20. **Delay:** Contractor agrees to diligently pursue work through to completion, but shall not be responsible for delays for any of the following reasons: acts of neglect or omissions by you (including failure to make payment when due, to timely obtain necessary permits or approvals, or to grant access to the property), Acts of God, pandemics, executive or emergency orders, stormy or inclement weather, strikes, lockouts, boycotts, or other labor activities, government priority or allocation of materials. You agree to diligently take all necessary actions on your part to allow the work to be performed in a timely and continuous fashion (including prompt application for and pursuit of all necessary government permits or authorizations). Your failure to comply will not give rise to any liability of Contractor.

21. **Ownership of Project Plans:** You understand and agree that Contractor is the author and owner of all drawing plans, specifications and related plans for the project (together referred to as the "Project Plans"). Contractor retains all ownership rights (including copyrights) to the Project Plans. The submission or distribution of the Project Plans to meet official regulatory requirements or for similar purposes in connection with the project (for example, applying for municipal approvals and permits) is not a transfer of any rights in the Project Plans to you or any third party.

22. **Use of Project Plans:** Contractor grants you the non-exclusive right and license to use the Project Plans solely and exclusively for purposes of constructing, using, maintaining, altering and adding to the project identified in the Project Plans, including directing only us and our subcontractors to perform the services related to construction of the project. This right and license is conditioned upon you complying with the terms of this Agreement, including making all payments to us for the project. If you cancel this agreement, all rights and licenses granted to you regarding the Project Plans will terminate.

23. **Cancellation; Damages:** Cancellation can only be made in writing and delivered to Contractor at 9 Village Street, Ellington, CT 06029. If you cancel this agreement after the three (3) day right of cancellation described above, but prior to submission of the "go ahead" payment, the deposit you paid to Contractor will be returned to you less \$5,000 to reimburse Contractor the cost and expense of drawing the Project Plans, and less any other documented costs and expenses reasonably incurred by Contractor in performance of this agreement. If you cancel this agreement after the "go ahead" payment has been submitted, you will forfeit all amounts paid to Contractor, as liquidated damages and not as a penalty, and will be responsible to reimburse Contractor any documented costs and expenses reasonably incurred by Contractor to collect amounts due from you. If you cancel this agreement, all rights and licenses granted to you regarding the Project Plans will terminate (for example, plans cannot be used for applying for municipal approvals and permits).

24. **Hold Harmless:** You will hold Contractor (including its officers, directors, or agents) harmless from any and all damages, losses, costs and expenses (including reasonable attorneys' fees) arising out of third party claims, demands, or suits for bodily injury (including death) or damage to tangible property to the extent caused directly by Contractor's gross negligence or intentional misconduct of you or your agents. You agree that Contractor shall be responsible for injury, damage, or loss only to the extent caused directly by negligence or intentional misconduct of you or your agents. Your obligations and the obligations of Contractor under this section are further subject to # 25 below. Contractor's gross negligence or intentional misconduct. Your obligations and the obligations of Contractor under this section are further subject to # 25 below.

25. **Limitation of Liability:** Contractor will not be responsible for any special, indirect, punitive, or consequential damages. Contractor's liability under this agreement shall not exceed the total amount paid by you under this agreement.

26. **Understanding:** By your signature below, you acknowledge you have read and understand the entire contents of this agreement and acknowledge receipt of a copy of it. If a disagreement exists between plans and specs, the written specs will be the final word.

27. **Guarantee:** All material will be free from defect and all work is to be completed in a workmanlike manner according to standard practices. Workmanship on items covered under this agreement is guaranteed for a period of 1 year following substantial completion of the project. Be advised Contractor assumes NO responsibility for A) any damage caused after occupancy, in any way caused by the elements, condensation on, or the expansion or contraction of materials; B) any damage caused by the occupants in the process of moving into the project, natural wear and tear of occupancy, carelessness and or neglect on the part of the occupants, or by addition to or alteration of the premises.

28. **Related Entities:** The Barn Yard Enterprises, Inc. is affiliated with Great Country Timber Frames, LLC.

**Additional Information for Timber Frame Structures Only:** Fresh sawn timber still has a moisture content high enough to cause slight additional checking and twisting. This is the nature of timber and is to be expected in every timber frame structure. As with all timber, some knots are to be expected, but will be tight. It is very important to provide adequate ventilation and air circulation inside your new timber frame structure to release excess moisture & humidity. See the "Caring for Your New Timber Frame Structure" document for more information.

Customer Signature: \_\_\_\_\_

Print Name: Arthur Bevilacqua

Dated: \_\_\_\_\_

Contractor Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

**TOWN OF HAMILTON  
Zoning Board of Appeals  
CERTIFICATE OF PARTIES IN INTEREST**

Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, the undersigned Assessor of the Town of Hamilton, hereby certifies that the names and addresses appearing on the list appended hereto are those of the:

- (a) abutters 100'
- (b) owners of land directly opposite on any public or private street or way
- X (c) owners of land within 300' of the property line of the property at:

509 Bridge St

So. Hamilton

Dated January 5, 2022

Prepared by Assessor's Office of the Town of Hamilton.

*Steve Ozahowski*

Steve Ozahowski  
Chair, Board of Assessors



APRUZZESE JASON & CASSIE  
504 BRIDGE ST  
SOUTH HAMILTON, MA 01982

MCTERNAN FRANK J  
MCTERNAN BARBARA M  
71 SAGAMORE ST  
SOUTH HAMILTON, MA 01982

CRONIN DENIS M  
CRONIN MARIANNE  
524 BRIDGE ST  
SOUTH HAMILTON, MA 01982

MULVEHILL, JOHN TE  
MILLIGAN CHRISTINE TE  
9 DONALD RD  
SOUTH HAMILTON, MA 01982

DUIGNAN GERARD M  
515 BRIDGE ST  
SOUTH HAMILTON, MA 01982

PERLMAN SUZANNE  
40 SAGAMORE ST  
SOUTH HAMILTON, MA 01982

FORTIER MARC  
KIMBERLY  
530 BRIDGE ST  
SOUTH HAMILTON, MA 01982

RENAUD LESLIE ALEXIS  
RENAUD BRIAN EDWARD  
5 DONALD RD  
SOUTH HAMILTON, MA 01982

GRISWOLD NATHAN KEITH  
519 BRIDGE ST  
HAMILTON, MA 01982

SMITH MARK W TRUSTEE  
490 BRIDGE ST  
SOUTH HAMILTON, MA 01982

HUGHES JOSEPH  
JACQUES NICOLE JT  
7 DONALD RD  
SOUTH HAMILTON, MA 01982

TIOMKIN ELLIOT N  
SHIRAN  
4933 LINDLEY AVENUE  
TARZANA, CA 91356

KUNBERGER JONATHAN A.  
AMY L.  
499 BRIDGE ST  
SOUTH HAMILTON, MA 01982

TSCHUDY PETER J  
KATHERINE S  
3 DONALD RD  
SOUTH HAMILTON, MA 01982

LILLEY CALLY MARY  
WYETH  
44 SAGAMORE ST  
SOUTH HAMILTON, MA 01982

TSU RANDY D  
TSU MARGARET MARONEY  
489 BRIDGE ST  
SOUTH HAMILTON, MA 01982

LIQUORI STEPHEN E  
MARTHA M  
72 SAGAMORE ST  
SOUTH HAMILTON, MA 01982

MACLAUGHLIN BENJAMIN RICH  
42 SAGAMORE ST  
SOUTH HAMILTON, MA 01982

CLARK MARGUERITE T  
S/O CLARK MARGUERITE T TR  
PO BOX 149  
HAMILTON, MA 01936

CLARK MARGUERITE T  
S/O CLARK MARGUERITE T TR  
PO BOX 149  
HAMILTON, MA 01936

GERO ANNE L.  
821 BAY RD  
HAMILTON, MA 01982

HAMILTON-WENHAM  
REGIONAL HIGH SCHOOL  
775 BAY RD  
HAMILTON, MA 01936

MOSELEY JAMES B  
PATRICIA J  
PO BOX 309  
HAMILTON, MA 01936

MURRAY CORNELIUS J 3RD  
JANE  
PO BOX 207  
HAMILTON, MA 01936

TOWLER HAROLD H JR & JUDI  
816 BAY RD  
SOUTH HAMILTON, MA 01982

WHEELER DANIEL F IV  
WHEELER LISA C  
824 BAY RD  
SOUTH HAMILTON, MA 01982