



Town of Hamilton
Zoning Board of Appeals
Meeting Minutes of June 5, 2024

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Zoning Board of Appeals members, a meeting of the Hamilton Zoning Board of Appeals was posted for June 5, 2024 at 7pm at the Hamilton-Wenham Public Library, 14 Union Street, Hamilton. This meeting was held in person (and was accessible by Zoom as a courtesy for the public).

Call to order: *With a quorum present, Chair Gingrich called the Zoning Board of Appeals meeting to order at 7:00 PM, identified the meeting was being recorded and those present:* Bruce Gingrich, Chair; Steven Derocher; Andrea Philip. Not present: David Perinchief. Also present: Patrick Reffett, Director of Planning & Inspectional Services, and others as noted.

PUBLIC HEARING: The applicant is Andrew McFarland, the application is for the property located at 59 Rust St, Assessor's Map 55, Lot 156, owned by Mark & Catherine Carleo. The applicant is seeking a Finding under Zoning Bylaw Section 5.3.4.5 for Dimensional Relief from side yard set-back requirements to build upon the existing footprint.

Andrew McFarland explained that this is an addition to the back of 59 Rust St, and they are looking for dimensional relief of approximately 8 feet on the left side and 4 feet on the right side. He referenced the plan and noted that there is a first-floor office and they are looking to put a bedroom above it. All of the construction is within the current footprint, and there is no additional height being added to the house.

- Rosie Kennedy, abutter to the property asked if the sun porch will be affected, and A.McFarland showed her the plan with the roof line. She asked if the height of the roof line will be increased and A.McFarland noted that the height would not be higher than the existing roof line. She also asked if construction could not start prior to 7:30, and was assured the start time would not be until 8:00 or 8:30.

Vote: *The Board voted unanimously by roll call to approve the application from 59 Rust St.*

CONTINUATION OF A PUBLIC HEARING: The application is for the property owned by David & Ashley Forster for the property located at 68 Union Street, Assessor's Map 55, Lot 213. Applicants are seeking a Finding under Zoning Bylaw Sec. 5.3.4.5 for Dimensional Relief for side & front yard set-back requirements on a lot with double frontage in order to connect garage to house & create living space (bedroom, bath, hall), and a Variance under Sec. 4: Dimensional & Density Regulations, for lot coverage; current 23.6%, proposed 27.7%.

Chair Gingrich explained that they have reached out to the applicants understand their next steps, but have not heard back from them. He suggested continuing the application into next month, and if the Town has still not heard from the applicants, the Board can make a decision at that time about next steps.

Vote: *The Board voted unanimously by roll call to continue the application from 68 Union St to next month.*

CONTINUATION OF A PUBLIC HEARING: The application is for a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20 – 23, for a portion of the property at 133 Essex Street, Assessor's Map 65, Lot 01, submitted by Chebacco Hill Capital Partners, LLC. The applicant seeks authorization to construct fifty-nine mixed income age restricted residential for sale units in thirty-two buildings.

Chair Gingrich reminded everyone that the 133 Essex St project was continued to the July meeting, and there would be no discussion of it this evening.

Board Interviews:

There is currently an opening on the Board for an alternate. There are two candidates who are interested in joining the Board in that capacity, and they will introduce themselves tonight.

- **Tom Shamshack**, Crescent Road, noted that he is withdrawing his application after talking to the other candidate, and noted that he realized his work schedule might cause him to miss meetings. He thanked the Board for the work that they do.

- **Michael Madden**, Highland St. moved to Hamilton in 2010, is married with three school-aged children, and works at Northeastern University. He is interested in what goes on in Town, and observed a lot of people do a lot of work for the Town that is not always appreciated and he would like to help out. He is new to Town government, and would like to be involved.

Vote: The Board voted unanimously by roll call to approve Michael Madden for the next step of a Select Board interview for the Zoning Board of Appeals alternate position.

Regular Business:

- **Draft Meeting Minutes Review – May 1, 2024**

Vote: The Board voted unanimously by roll call to approve the minutes of May 1, 2024.

Old Business:

To vote to amend the Decision for the application submitted for 89 Greenbrook Road, owner Linda McMahon, due to a scrivener's error so that the Decision clearly state the Board approved a Finding under Zoning Bylaw Sec. 5.3.4 for dimensional relief for side yard set-back and a Special Permit under Zoning Bylaw 3.6 for an Accessory Apartment which the Board did approve during the May 1, 2024 regularly scheduled meeting as "the project" as shown in the video of the meeting and the draft meeting minutes. Due to the fact the vote is still an approval for a Finding and a Special Permit the Chair will bring an updated Decision to attach to the Decision which has been on file with the office of the Town Clerk on May 7, 2024.

Vote: The Board voted unanimously by roll call to clarify the error that the Board did decide to approve this project.

Adjournment:

Vote: The Zoning Board of Appeals voted unanimously by roll call to adjourn at 7:27PM.

Documents:

- [59 Rust Street Application Packet](#)
- [Application Timeline](#)
- [05-01-2024 Draft Minutes](#)
- [Appeal of Notice of Safe Harbor – 133 Essex Street – Villages at Chebacco Hill Comprehensive Permit -05-16-2024](#)
- [Acknowledgement of Receipt of Appeal from EOHLC 05-16-2024](#)
- [Correspondence since the May 1st meeting to May 16, 2024](#)
- [Brief to EOHLC 5-29-24 on behalf of Heather Ensworth, 4 Villa Rd, Hamilton – prepared by Atty Dan Hill](#)
- [Dated 05-30-2024 from Mead, Talerman & Costa LLC, representing Applicants – Correspondence to EOHLC requesting to Strike Atty Hill Memorandum of May 29, 2024](#)
- [Mead, Talerman & Costa LLC – June 3, 2024, Correspondence](#)
- Notice of Public Hearing 68 Union
- Application
- Plans – Addition
- Site Plan
- Comments from Board of Health – 68 Union Street

Respectfully submitted by

D. Pierotti, Recording Secretary

6/10/24

The minutes were prepared from video.