



Town of Hamilton Zoning Board of Appeals - 577 Bay Road, Memorial Room, Hamilton, MA 01936

AMENDED AGENDA: DECEMBER 1, 2021 - 7:00 PM – ORIGINAL POSTED ON 11/4/21 @ 3:58 p.m.

Public Meetings are being held In-Person for Board Members Only. All other participants may join the meeting via Zoom and phone-in options:

Join Zoom Meeting

<https://us02web.zoom.us/j/83638998875?pwd=NmhGZ3FndmRnVndPZGJGcWpMekZtdz09>

Meeting ID: 836 3899 8875

Passcode: 950561

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

1. **PUBLIC HEARING:** FOR A FINDING OF FACT APPLICATION SEEKING RELIEF FROM ZONING BYLAW 5.2 FOR THE USE OF A SANDWICH BOARD STYLE SIGN IN FRONT OF THE BUSINESS. THE PROPERTY IS LOCATED AT 505 BAY ROAD, ASSESSOR'S MAP 57, LOT 111. APPLICANT IS LAWRENCE JUDY, OWNER IS THE LAWRENCE R CHASE REALTY TRUST, FOR THE BUSINESS HARRIGAN'S WINE & SPIRITS.
2. **PUBLIC HEARING:** THE SPECIAL PERMIT APPLICATION IS FOR TEMPORARY ADDITIONAL LIVING AREA AND TO CONSTRUCT A SINGLE STORY 24 X 22 ADDITION IN A SINGLE FAMILY DWELLING - ZONING BYLAW SECTION 3.4. LOCATED AT 95 HOMESTEAD CIRCLE, ASSESSOR'S MAP 57, LOT 84. THE OWNERS ARE SEAN AND LISA MCCARTHY
3. **PUBLIC HEARING:** A FINDING UNDER ZONING BYLAW 5.3.4, FOR AN EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE OR LOT, TO REMOVE EXISTING GARAGE, CONSTRUCT A GARAGE, EXTEND THE SECOND FLOOR, EXTEND THE FRONT PORCH AND CONSTRUCT A REAR DECK. THE PROPERTY IS LOCATED AT 32 CUMMINGS AVENUE, ASSESSOR'S MAP 55, LOT 174. THE OWNERS ARE BEN AND KAILEE WRIGHT.
4. **PUBLIC HEARING:** THE SPECIAL PERMIT APPLICATION IS FOR A FINDING TO CONSTRUCT A SECOND STORY ADDITION UNDER ZONING BYLAW 5.3.4 FOR AN EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE OR LOT. THE PROPERTY IS LOCATED AT 28 HOME STREET, ASSESSOR'S MAP 55, LOT 82, OWNERS ARE GREGORY AND CAROLINE HORNER.
5. **PUBLIC HEARING:** FOR A FINDING UNDER ZONING BYLAW 5.3.4 FOR AN EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE OR LOT, TO CONSTRUCT A 10' TWO STORY ADDITION. THE PROPERTY IS LOCATED AT 13 COTTAGE STREET, ASSESSOR'S MAP 55, LOT 207, OWNERS ARE PATRICK AND JEANNINE RYAN
6. **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.

Public Hearing Timeline for Public Hearings – December 1, 2021

- 32 Cummings Avenue
 - 13 Cottage Street
 - 28 Home Street
 - 95 Homestead Circle
 - 505 Bay Road
-
- Public Hearing Notice date stamp and posted by Town Clerk on 11-4-2021
 - Public Hearing Notice sent to property owners listed on the certified List of Abutters on 11-9-2021
 - Public Hearing Notice sent to the abutting Towns on 11-18-2021
 - Public Hearing Notice hand delivered to Board of Health, Conservation Commission, Dept. of Public Works, Police Dept., Fire Dept.
 - Public Hearing Notice in the local newspaper, the Chronicle & Transcript, on 11-11-2021 & 11-18-2021

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, DECEMBER 1, 2021, AT 7:00 PM IN THE MEMORIAL ROOM AT THE HAMILTON TOWN HALL, 577 BAY ROAD AND VIA ZOOM FOR NON-APPLICANTS. THE SPECIAL PERMIT APPLICATION IS FOR TEMPORARY ADDITIONAL LIVING AREA AND TO CONSTRUCT A SINGLE STORY 24 X 22 ADDITION IN A SINGLE FAMILY DWELLING - ZONING BYLAW SECTION 3.4. LOCATED AT 95 HOMESTEAD CIRCLE, ASSESSOR'S MAP 57, LOT 84. THE OWNERS ARE SEAN AND LISA MCCARTHY. 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: 10/4/21

Applicant Name: Sean McCarthy / Jeff Home Phone: 978 500-3956
Applicant Address: 95 Homestead Cir - 978 423 2355

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) 1A-law
- ☐ 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: R1A

Existing Lot Size: 18,135 sqft

State Briefly what structures are on the property:

Single family home

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

Build a 24x22 Addition, single story 1A-law w/ just a sink/Bar sink for kitchen

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

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

NO

Signed: _____

Address: _____

Phone: _____

Jeff Home
Homeconstruction1@gmail.com



**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: 10/4/21
Applicant Name: Self/Home / Sean McEachy
Applicant Address: 95 Homestead Cir

State nature of and location for which Permit or Special Permit is sought:
Single fam home looking for 24x22 addition for ~~spa~~
11-law apt

State how or why the proposed use would be in harmony with the general purpose and intent of the Zoning By-Law:

To keep Mom with family

State how or why the specific site is an appropriate location for such use:

State whether the specific site has adequate public sewerage and water facilities or suitable soil for an on lot sewerage and water systems:

yes

State how or why the use as developed will not adversely affect the neighborhood:

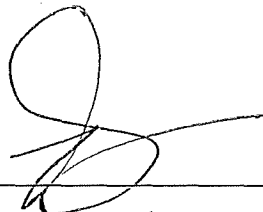
It is a small addition that will be symmetrical
with existing house

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:

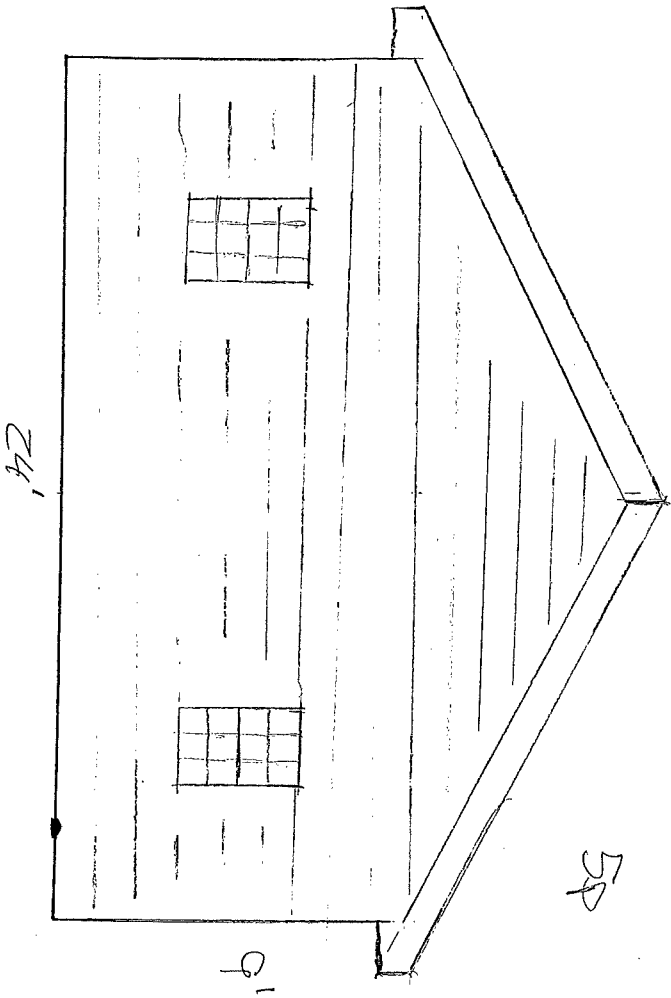
Streets:

Homestead Cir
there's plenty of parking

State how and what adequate and appropriate facilities will be provided for the proposed use:

Signed: 
Address: 95 Homestead Cir
Phone: 978 423 2355

Self Home
Home Construction



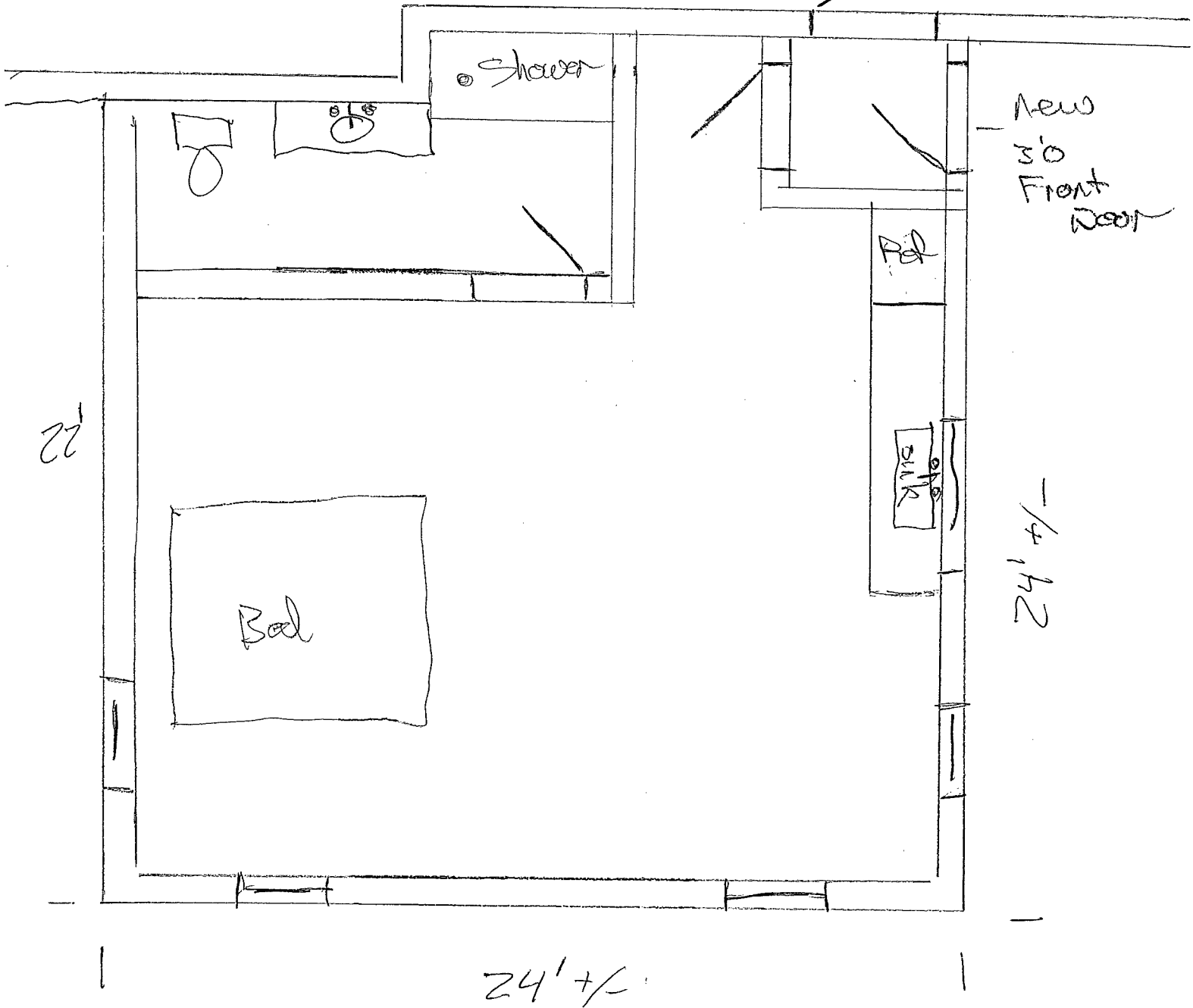
San Mesquite
95 Homestead Cir
Hamilton, MA

Jeff Horne
Horne Construction
978 423 2355

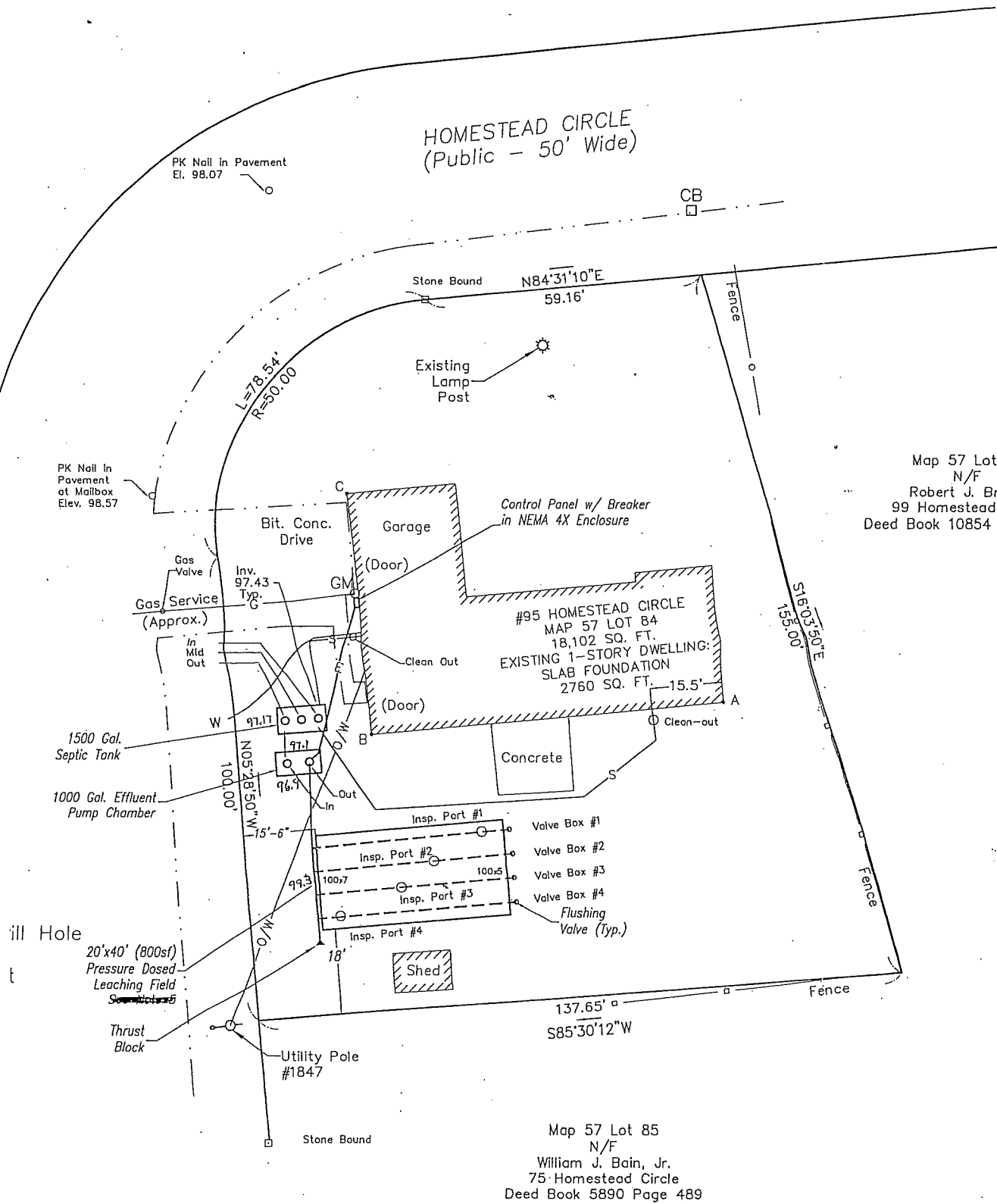
Sean McCarthy
95 Homestead
Hamilton, MA

Existing House

existing
Front
Door







Map 57 Lot
N/F
Robert J. Br
99 Homestead
Deed Book 10854 I

PUMP SQUIRT TEST (6/8/01)		
Height (in)	Location	Test Condition
48"	Inspection Port #1	Flushing Valves Closed
42"	Inspection Port #2	
38"	Inspection Port #3	
32"	Inspection Port #4	
2"	Flushing Valve #1	Flushing Valves Open
2"	Flushing Valve #2	
2"	Flushing Valve #3	

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, DECEMBER 1, 2021, AT 7:00 PM, IN THE MEMORIAL ROOM AT THE HAMILTON TOWN HALL, 577 BAY ROAD, FOR A FINDING OF FACT APPLICATION SEEKING RELIEF FROM ZONING BYLAW 5.2 FOR THE USE OF A SANDWICH BOARD STYLE SIGN IN FRONT OF THE BUSINESS. THE PROPERTY IS LOCATED AT 505 BAY ROAD, ASSESSOR'S MAP 57, LOT 111. APPLICANT IS LAWRENCE JUDY, OWNER IS THE LAWRENCE R CHASE REALTY TRUST, FOR THE BUSINESS HARRIGAN'S WINE & SPIRITS. 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

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

Date Submitted: 11-01-2021

Applicant Name: Lawrence Judy

Non-Conforming Property Located at: 505 Bay Road Hamilton MA

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: Sandwich board sign bylaw # 512

(Sign
Bylaw #)

Will the proposed extension or alteration meet current zoning requirements:

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

Yes, with ZBA approval.

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:

Harrigan's is a landmark business for the town. The sign will be put out daily at opening and taken in at closing time daily

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:

The sign will not impede traffic or pedestrians. The sidewalk is on the other side of Bay Rd. It will NOT be illuminated

Signed: [Signature]

Address: 505 Bay Road

Hamilton, MA 01982

Phone: 617-680-5983

HARRIGANSWINE@GMAIL.COM

Email:

\$75
Paid
203

**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

APPLICATION FOR ZONING BOARD OF APPEALS HEARING

To be completed by all Applicants

Date Submitted: 11-01-2021

Applicant Name: Lawrence Judy

Phone: 617-680-5983

Email: HARRIGANSWINE@GMAIL.COM

Applicant Address: 505 Bay Rd, 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: (State Type)
- ☐ Appeal of Decision of the Building Inspector
- ☐ Conversion for Temporary Living Area
- ☐ Comprehensive Permit
- ☐ Other: Finding

Address of Property if different from Applicant Address above: Same

Owner of property if different from Applicant noted above: Harrigan's Hamilton Prop. LLC

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: 21360 sq.ft.

State Briefly what structures are on the property:

liquor store with attached 2 bedroom house.

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

Put out a sandwich board sign stating (OPEN) Not illuminated
(Special Sale) (wine tasting)

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

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

No

Signed: [Signature]

Address: 505 Bay Road

Hamilton, MA 01944

Phone: 617-680-5983

Not in Historical District
HARRIGANSWINE@GMAIL.COM

MAP 57 Lot 111



**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: 11-01-2021

Applicant Name: Lawrence Judy

Applicant Address: 505 Bay Road Hamilton, MA 01982

State nature of and location for which Permit or Special Permit is sought:

Harrigan's Liquors parking lot. Sandwich board sign Put in parking lot - when opening the store and put it back inside at closing daily

State how or why the proposed use would be in harmony with the general purpose and intent of the Zoning By-Law:

Harrigan's is already a landmark business in town. It will not impede pedestrians or vehicle access. It is Not the historic district. It will Not be illuminated.

State how or why the specific site is an appropriate location for such use:

So the sign can be viewed from the street, with ample parking. It will not impede pedestrians or traffic.

State whether the specific site has adequate public sewerage and water facilities or suitable soil for an on lot sewerage and water systems:

N/A

State how or why the use as developed will not adversely affect the neighborhood:

Harrigan's is an existing business

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:

Streets: Bay Road

The sign will be in the parking lot. There is no side walk - on our side of the street.

State how and what adequate and appropriate facilities will be provided for the proposed use:

N/A

Signed: LjAr

Address: 505 Bay Road

Hamilton MA, 01944

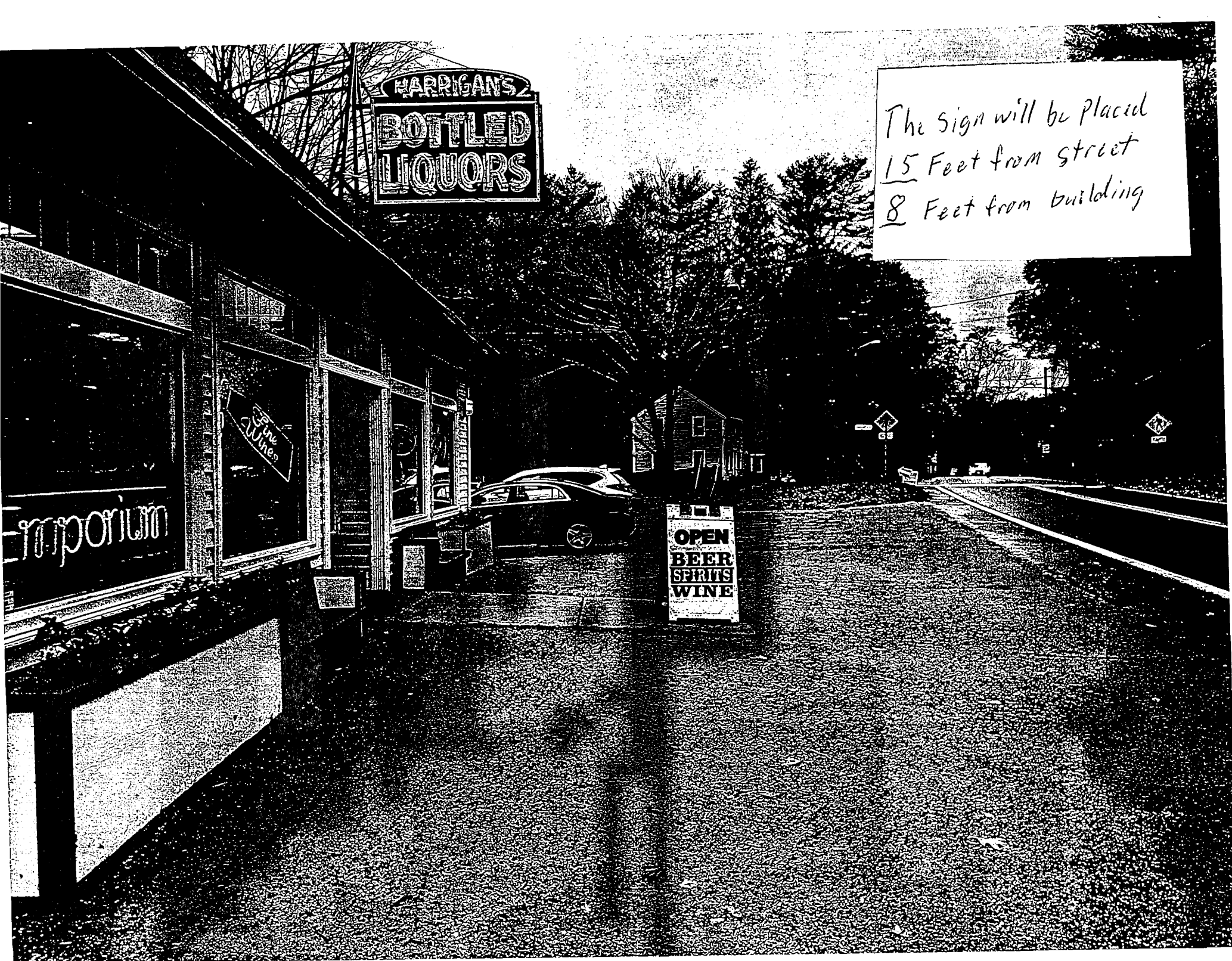
Phone: 617-680-5983

The Sign will be Placed
15 Feet from Street
8 Feet from building

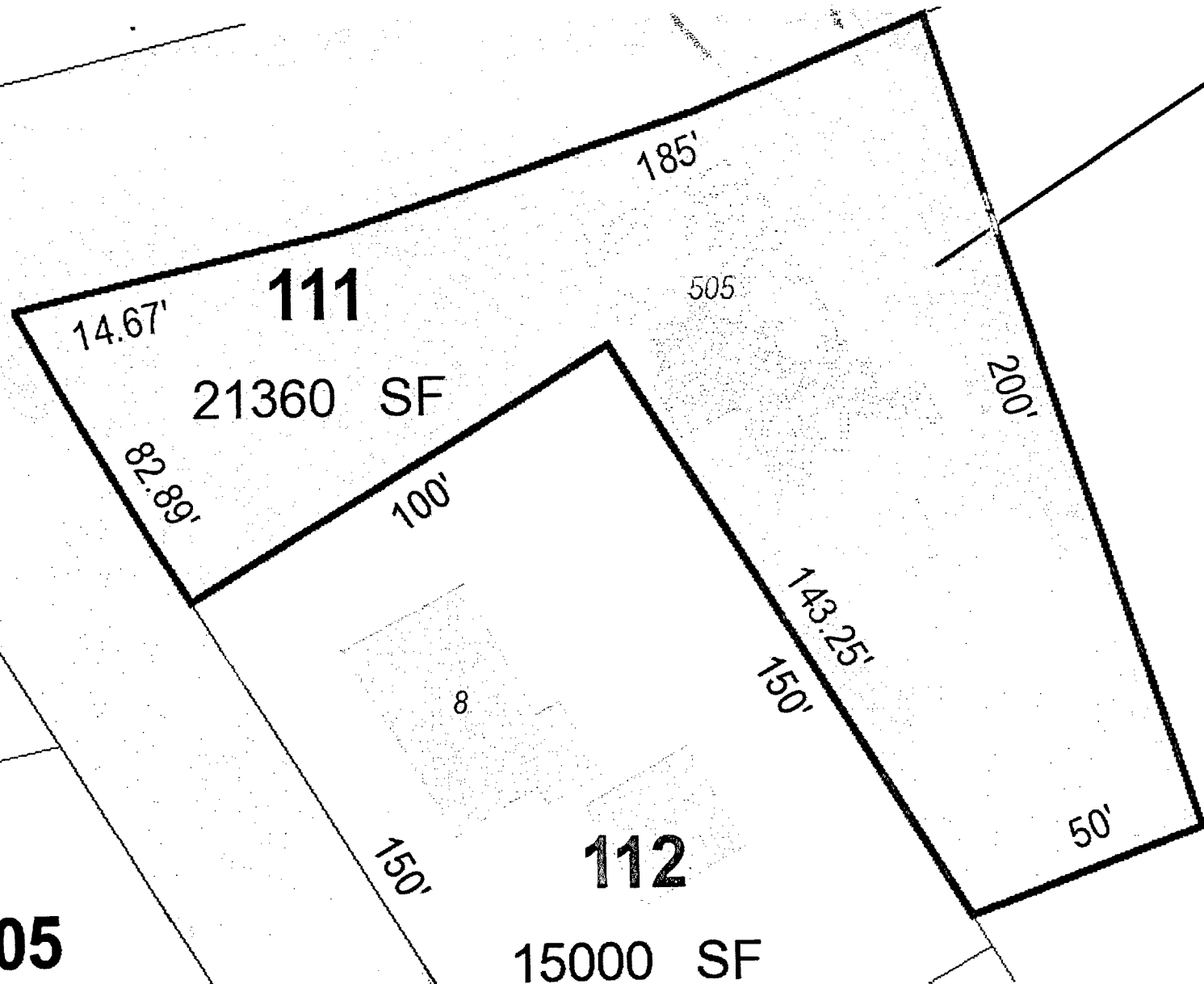
BOTTLED
LIQUORS

OPEN
BEER
SPIRITS
WINE





05



Chronicle & Transcript

Publication Name:

Chronicle & Transcript

Publication URL:

Publication City and State:

Ipswich, MA

Publication County:

Essex

Notice Popular Keyword Category:

Notice Keywords:

505 bay

Notice Authentication Number:

202111180800234167162

1180225809

Notice URL:

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Notice Publish Date:

Thursday, November 11, 2021

Notice Content

505 BAY RD

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

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WILLIAM BOWLER, CHAIR

AD# 13994736

Chronicle Transcript 11/11 and 11/18/2021

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WILLIAM BOWLER, CHAIR

APPLICATION CHECK SHEET
HAMILTON ZONING BOARD OF APPEALS

SPECIAL PERMIT

8 copies of all Materials. Refer to Instruction Sheet.

Section of the Zoning By-Law covering desired Board action(s) 5.3.4

Special Permit Requested. Check all that apply.

District:	Type Use:
<input type="checkbox"/> Residential District	<input type="checkbox"/> _____
<input type="checkbox"/> Business District	<input type="checkbox"/> _____
<input type="checkbox"/> Conservancy District	<input type="checkbox"/> _____
<input type="checkbox"/> Elder Housing District	<input type="checkbox"/> _____
<input type="checkbox"/> Groundwater Protection Overlay	<input type="checkbox"/> _____
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> _____
<input type="checkbox"/> Other. Specify. _____	<input type="checkbox"/> _____

Time Period Granted for Permit:

- ☐ Temporary Additional Living Area: 4 years
- ☐ Adult Entertainment Uses: 1 year
- ☐ Special permit will lapse after 1 year if substantial use or construction has not commenced except for good cause.

Visual Materials Required:

- ☐ Submit at a minimum materials required for Site Plan Review
- ☐ Refer to Specific Sections of the By-Law for additional information regarding each district

Board Reviews Required other than ZBA:

- ☐ Elder Housing District: Requires Planning Board approval
- ☐ Residential District – Golf, tennis, swimming, riding, polo, skiing, skating, all other athletic and recreational activities/special events – where charges or admission fees are required: Requires Board of Selectmen approval



**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: October 12, 2021

Applicant Name: Patrick and Jeannine Ryan

Applicant Address: 13 Cottage Street, Hamilton MA

State nature of and location for which Permit or Special Permit is sought: *The existing home is non-conforming on both front setbacks (Cottage and Mill Street corner). Owners wish add a 10' deep, 2-story addition. A new patio will be added as well. The property is within the GPOD, but the existing and new impervious do not go over the 2,500 sf threshold in this case. 2,500 sf is the greater of the two in 9.1.9.3 (15% of lot area or 2,500sf). See plans for impervious surface table.*

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 a small cottage with 3-small bedrooms. The owners wish to add 10' to both floors to accommodate their family of 5. Numerous homes in the area have been added to over the years. This modest 10' addition will not change the character of the home or neighborhood. There is a reasonable amount of area between the proposed addition and the fence/driveway. The home/addition will be in-scale with the rest of the neighborhood.*

State how or why the specific site is an appropriate location for such use: *House is a single-family residential home in the single-family R1A District.*

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 3-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 other properties in the neighborhood. The proposed addition is in keeping with the scale of the neighborhood.*

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 will not change the vehicle or pedestrian status of Cottage or Mill streets.*

Streets: _____

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

Patricia J. Ryan

Signed: *Janine M. Ryan*

Address: 13 Cottage Street

Phone: 917-566-8044

**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: October 12, 2021

Applicant Name: Patrick and Jeannine Ryan Phone: 917-566-8044

Applicant Address: 13 Cottage Street, 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: (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: R1A

Existing Lot Size: 5,559 sf (6.250 deeded)

State Briefly what structures are on the property: *Currently, a single family home with a detached 2-car garage is on the property. The house is non-conforming on both front setbacks (corner lot) and side-yard setback and the detached garage is non-conforming on the side and rear setback.*

State in detail what the petitioner desires to do at said subject property: *The owners wish to remove the existing deck on the rear of the home and add a 10' deep, 2-story addition across the width of the house. The new addition will follow the roofline of the existing home, while adding 3 dormers (2 on one side, one on the other). The new addition will be within the setback but will not extend further than the current house does.*

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

Signed: _____

Address: 13 Cottage Street, Hamilton MA

Phone: 917-566-8044



**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: 10/12/21

Applicant Name: Patrick and Jeannine Ryan

Non-Conforming Property Located at: 13 Cottage Street

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

The proposed addition will be within the front setbacks (corner lot), but extend no further than the current house into the setback

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:

The addition is to a single-family structure and will remain so. The scale of the addition is in keeping with the neighborhood.

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:

The addition will not be substantially more detrimental to the neighborhood and will improve the home from its current state. The scale of the home is in keeping with the neighborhood and the addition will not impact views or vistas, etc.

Signed: Jeannine M. Ryan

Address: 13 Cottage Street

Phone: 917-568-8044

NOTICE OF PUBLIC HEARING

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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: November 3, 2021

Applicant Name: Greg and Caroline Horner Phone: 617-775-5026

Applicant Address: 28 Home Street, 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: (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: R1A

Existing Lot Size: 5,559 sf (6,250 deeded)

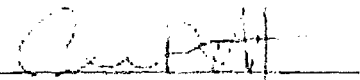
State Briefly what structures are on the property: *Currently, a single family home with a shed. The house is non-conforming on both front and left side yard setbacks.*

State in detail what the petitioner desires to do at said subject property: *Owners seek to remove a small, side mudroom addition and replace with a larger mudroom and exterior porch. The addition meets side setback but will encroach into front setback. Front of house is already 7.5' from front property line while addition will be 13.5'. Owners seek to add a second floor above a rear single-story portion of the home. The existing side of the house is within the side setback. The new addition will be within the footprint minus a small, 1'-6" cantilever on the rear. The addition will not extend further into the setback.*

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

Signed: _____



Address: 28 Home St. Hamilton MA

Phone: 617-775-5026

APPLICATION CHECK SHEET
HAMILTON ZONING BOARD OF APPEALS

SPECIAL PERMIT

8 copies of all Materials. Refer to Instruction Sheet.

Section of the Zoning By-Law covering desired Board action(s) 5.3.4

Special Permit Requested. Check all that apply.

District:	Type Use:
<input checked="" type="checkbox"/> Residential District	<input type="checkbox"/> <u>SINGLE FAMILY RESIDENTIAL</u>
<input type="checkbox"/> Business District	<input type="checkbox"/> _____
<input type="checkbox"/> Conservancy District	<input type="checkbox"/> _____
<input type="checkbox"/> Elder Housing District	<input type="checkbox"/> _____
<input type="checkbox"/> Groundwater Protection Overlay	<input type="checkbox"/> _____
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> _____
<input type="checkbox"/> Other. Specify. _____	<input type="checkbox"/> _____

Time Period Granted for Permit:

- ☐ Temporary Additional Living Area: 4 years
- ☐ Adult Entertainment Uses: 1 year
- ☐ Special permit will lapse after 1 year if substantial use or construction has not commenced except for good cause.

Visual Materials Required:

- ☐ Submit at a minimum materials required for Site Plan Review
- ☐ Refer to Specific Sections of the By-Law for additional information regarding each district

Board Reviews Required other than ZBA:

- ☐ Elder Housing District: Requires Planning Board approval
- ☐ Residential District – Golf, tennis, swimming, riding, polo, skiing, skating, all other athletic and recreational activities/special events – where charges or admission fees are required: Requires Board of Selectmen approval



**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: November 3, 2021

Applicant Name: Greg and Caroline Horner

Applicant Address: 28 Home Street, Hamilton MA

State nature of and location for which Permit or Special Permit is sought: *The existing home is non-conforming on front and one side setback. House is located in the middle of Home Street. Owners seek to remove a small, side mudroom addition and replace with a larger mudroom and exterior porch. The addition meets side setback but will encroach into front setback. Front of house is already 7.5' from front property line while addition will be 13.5'. Owners seek to add a second floor above a rear single-story portion of the home. The existing side of the house is within the side setback. The new addition will be within the footprint minus a small, 1'-6" cantilever on the rear. The addition will not extend further into the setback.*

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 a small cottage with 3-small bedrooms. The additions will provide a much-needed mudroom and laundry space. There is currently one bath on the second floor so the addition will allow for a second bath and closet area for the master bedroom. The additions maintain the current feel of the home and will be within the scale of the existing home and neighborhood.*

State how or why the specific site is an appropriate location for such use: *House is a single-family residential home in the single-family R1A District.*

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 3-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 other properties in the neighborhood. The proposed addition is in keeping with the scale of the neighborhood.*

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 will not change the vehicle or pedestrian status of Home Street.*

Streets: _____

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

Signed: _____

Address: 28 Home Street

Phone: 617-775-5026

Chronicle & Transcript

Publication Name:

Chronicle & Transcript

Publication URL:

Publication City and State:

Ipswich, MA

Publication County:

Essex

Notice Popular Keyword Category:

Notice Keywords:

28 home street hamilton

Notice Authentication Number:

202111180801560597595

1180225809

Notice URL:

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Notice Publish Date:

Thursday, November 11, 2021

Notice Content

28 HOME ST

LEGAL NOTICE

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, DECEMBER 1, 2021, AT 7:00 PM IN THE MEMORIAL ROOM AT THE HAMILTON TOWN HALL, 577 BAY ROAD AND VIA ZOOM FOR NON-APPLICANTS. THE SPECIAL PERMIT APPLICATION IS FOR A FINDING TO CONSTRUCT A SECOND STORY ADDITION UNDER ZONING BYLAW 5.3.4 FOR AN EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE OR LOT. THE PROPERTY IS LOCATED AT 28 HOME STREET, ASSESSOR'S MAP 55, LOT 82, OWNERS ARE GREGORY AND CAROLINE HORNER. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.

WILLIAM BOWLER, CHAIR

AD# 13994744

Chronicle Transcript 11/11 and 11/18/2021

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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, DECEMBER 1, 2021, AT 7:00 PM IN THE MEMORIAL ROOM AT THE HAMILTON TOWN HALL, 577 BAY ROAD AND VIA ZOOM FOR NON-APPLICANTS. THE APPLICATION REQUESTS A FINDING UNDER ZONING BYLAW 5.3.4, FOR AN EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE OR LOT, TO REMOVE EXISTING GARAGE, CONSTRUCT A GARAGE, EXTEND THE SECOND FLOOR, EXTEND THE FRONT PORCH AND CONSTRUCT A REAR DECK. THE PROPERTY IS LOCATED AT 32 CUMMINGS AVENUE, ASSESSOR'S MAP 55, LOT 174. THE OWNERS ARE BEN AND KAILEE WRIGHT. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT.

WILLIAM BOWLER, CHAIR

APPLICATION CHECK SHEET
HAMILTON ZONING BOARD OF APPEALS

SPECIAL PERMIT

8 copies of all Materials. Refer to Instruction Sheet.

Section of the Zoning By-Law covering desired Board action(s) 5.3.4

Special Permit Requested. Check all that apply.

District:	Type Use:
<input checked="" type="checkbox"/> Residential District	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> Business District	<input type="checkbox"/> <u>Residential</u>
<input type="checkbox"/> Conservancy District	<input type="checkbox"/> _____
<input type="checkbox"/> Elder Housing District	<input type="checkbox"/> _____
<input type="checkbox"/> Groundwater Protection Overlay	<input type="checkbox"/> _____
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> _____
<input type="checkbox"/> Other. Specify. _____	<input type="checkbox"/> _____

Time Period Granted for Permit:

- ☐ Temporary Additional Living Area: 4 years
- ☐ Adult Entertainment Uses: 1 year
- ☐ Special permit will lapse after 1 year if substantial use or construction has not commenced except for good cause.

Visual Materials Required:

- ☐ Submit at a minimum materials required for Site Plan Review
- ☐ Refer to Specific Sections of the By-Law for additional information regarding each district

Board Reviews Required other than ZBA:

- ☐ Elder Housing District: Requires Planning Board approval
- ☐ Residential District – Golf, tennis, swimming, riding, polo, skiing, skating, all other athletic and recreational activities/special events – where charges or admission fees are required: Requires Board of Selectmen approval



**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: October 12, 2021

Applicant Name: Benjamin and Kailee Wright

Applicant Address: 32 Cummings Ave, Hamilton MA

State nature of and location for which Permit or Special Permit is sought: *The existing home is non-conforming on the front and side setbacks. Owners wish to remove existing 2-car detached garage and add a one-car attached garage in the front and side setbacks. The new addition does not encroach further than the existing side or front into the setback. The second floor will be extended 4' towards the front setback, but will remain 4' back from the first floor wall. The front porch will extend one foot further towards the west, but no further into the front setback. A new rear deck is proposed, part of which will encroach into the side setback, but no further than the existing house wall.*

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 in disrepair and in need of renovations. The proposed addition of the garage and expanded second floor will bring it up to the standards of the street and neighborhood. The removal of the detached garage will allow for more yard/green space and less building on the street. The height of the addition is in-keeping with the houses on either side and is only a few feet taller than two of the homes across the street. The roofline was kept low in front to keep the scale down while adding interest to the roofline.*

State how or why the specific site is an appropriate location for such use: *House is a single-family residential home in the Business District. The home has been there for about 100 years, as have the other homes on the street. The use is allowed in the Business District.*

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 3-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 other properties on Cummings Ave. The proposed addition will benefit the neighborhood by bringing the house up to the standards of the neighborhood.*

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 will not change the vehicle or pedestrian status of Cummings Ave.*

Streets: _____

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

Signed: Benjamin Wright

Address: 32 Cummings Ave

Phone: 424-367-9434

**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: October 12, 2021

Applicant Name: Benjamin and Kailee Wright Phone: 424-367-9434

Applicant Address: 32 Cummings Ave, 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: (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: B

Existing Lot Size: 9,805 sf

State Briefly what structures are on the property: *Currently, a single family home with a detached 2-car garage is on the property. The house is non-conforming on the front and side-yard setback and the detached garage is non-conforming on the front yard setback.*

State in detail what the petitioner desires to do at said subject property: *The owners wish to raze the existing 2-car detached garage and add a one-car attached garage to the SW corner of the house. The new attached garage will not encroach further into the setbacks than the current house. They also wish to add a second floor to the home which will encroach 4' further than the current 2nd floor does into the front setback, but be 4' back from the first floor walls in front. The front porch will not extend further then the current porch towards the street, but will extend about a foot further to the west to meet the new garage wall. A new rear deck is proposed, part of which will encroach on the side setback, but not further than the current house wall.*

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: Benjamin Wright

Address: 32 Cummings, Hamilton MA

Phone: 424-367-9434



**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

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

Date Submitted: 10/12/21

Applicant Name: Ben and Kailee Wright

Non-Conforming Property Located at: 32 Cummings Ave

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

The proposed addition will be within the front and side setbacks, but extend no further than the current house

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:

The addition is to a single-family structure and will remain so. The scale of the addition is in keeping with the neighborhood.

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:

The addition will not be substantially more detrimental to the neighborhood and will improve the home from its current state. The scale of the home is in keeping with the neighborhood and the addition will not impact views or vistas, etc.

Signed: Benjamin Wright

Address: 32 Cummings Ave

Phone: 424-367-9434