

## Notice of Public Hearing

### Town of Hamilton Zoning Board of Appeals

A Public Hearing will be held on Wednesday, June 1 2022, at 577 Bay Road, Hamilton, MA, Town Hall, Memorial Room, and via Zoom, to commence at 7:00 PM. Application is for the property owned by Marenglen Zepaj and Flaminio Lanzillo, 78 Mill Street, Middleton, for the property located at 139 Cutler Road, Assessor's Map 39, Lot 2. Applicant is seeking a Variance: Zoning Bylaw 5.5.1.3 Reconstruction after Catastrophe or Demolition to construct a new single family dwelling at the site where a single dwelling was demolished. A copy of the complete application is available for review in the Building Department during the regular hours of operation of the Town Hall.

William Bowler, Chair

## **Timeline for Public Hearings – June 1, 2022**

- 8 Villa Road
- 139 Cutler Road
- 116 Gregory Island Road
  
- Public Hearing Notice date stamp and posted by Town Clerk on 5-11-2022
- Public Hearing Notice sent to property owners listed on the certified List of Abutters on 05-16-2022
- Public Hearing Notice sent to the abutting Towns on 05-16-2022
- Public Hearing Notice hand delivered to Board of Health, Conservation Commission, Dept. of Public Works, Police Dept., Fire Dept. 05-16-2022
  
- Public Hearing Notice in the local newspaper, the Salem News

8 Villa Road: 05-11 & 5-18-2022

139 Cutler Road: 05-11 & 5-18-2022

116 Cutler Road: 5-16 & 5-23-2022

\$75 paid  
Rec. 4-19-22

TOWN OF HAMILTON  
ZONING BOARD OF APPEALS

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

Date Submitted:

Applicant Name:

FLAMINIO LANZILLO Phone: 617-791-3128

Applicant Address:

Applicant respectfully petitions the Board of Appeal for the following:

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

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

Address of Property if different from Applicant Address above:

Owner of property if different from Applicant noted above:

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

Zoning District:

Existing Lot Size: R1  
11,025 SQ FT

State Briefly what structures are on the property: Old Foundation From House  
That was torn down by previous owner.

State in detail what the petitioner desires to do at said subject property: (1) remove old Foundation,  
(2) Build new single Family Home according to  
attached Plan and Drawings

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

NOT sure

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

I Have NOT recieved any Permits  
NOT sure on Previous owners

Signed:

Address:

Phone:

Flaminio Lanzillo  
50 Centre St  
Danvers Ma. 01923  
617-791-3128  
franklanzillo@gmail.com



TOWN OF HAMILTON  
ZONING BOARD OF APPEALS

REQUEST FOR FINDINGS OF FACT  
VARIANCE

Date Submitted:

Applicant Name:

Property Located at:

FLAMINIO Lanzillo  
139 CUTLER Rd. HAMILTON

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:

139 CUTLER always had a single  
FAMILY House ON IT, and I want TO  
put ONE Back But Lot size is 11,025 SQ FT  
and 20,000 is required

That no substantial detriment to the public good would exist were the variance granted, for the following reasons:

The ZONING is Residential and  
would stay residential (No change)

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

There was a single FAMILY Home ON  
The Lot For MANY years,

Signed:

Address:

Phone:

Flamini

50 CENTRE ST

Danvers MA 01923

617-791-3128

Salem News, The



Publication Name:

**Salem News, The**

Publication URL:

**www.salemnews.com/**

Publication City and State:

**Salem, MA**

Publication County:

**Essex**

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Notice Popular Keyword Category:

Notice Keywords:

**139 cutler**

Notice Authentication Number:

**202205191218060359688**

**1180225809**

Notice URL:

[Back](#)

Notice Publish Date:

Wednesday, May 18, 2022

**Notice Content**

NOTICE OF PUBLIC HEARING  
TOWN OF HAMILTON ZONING  
BOARD OF APPEALS

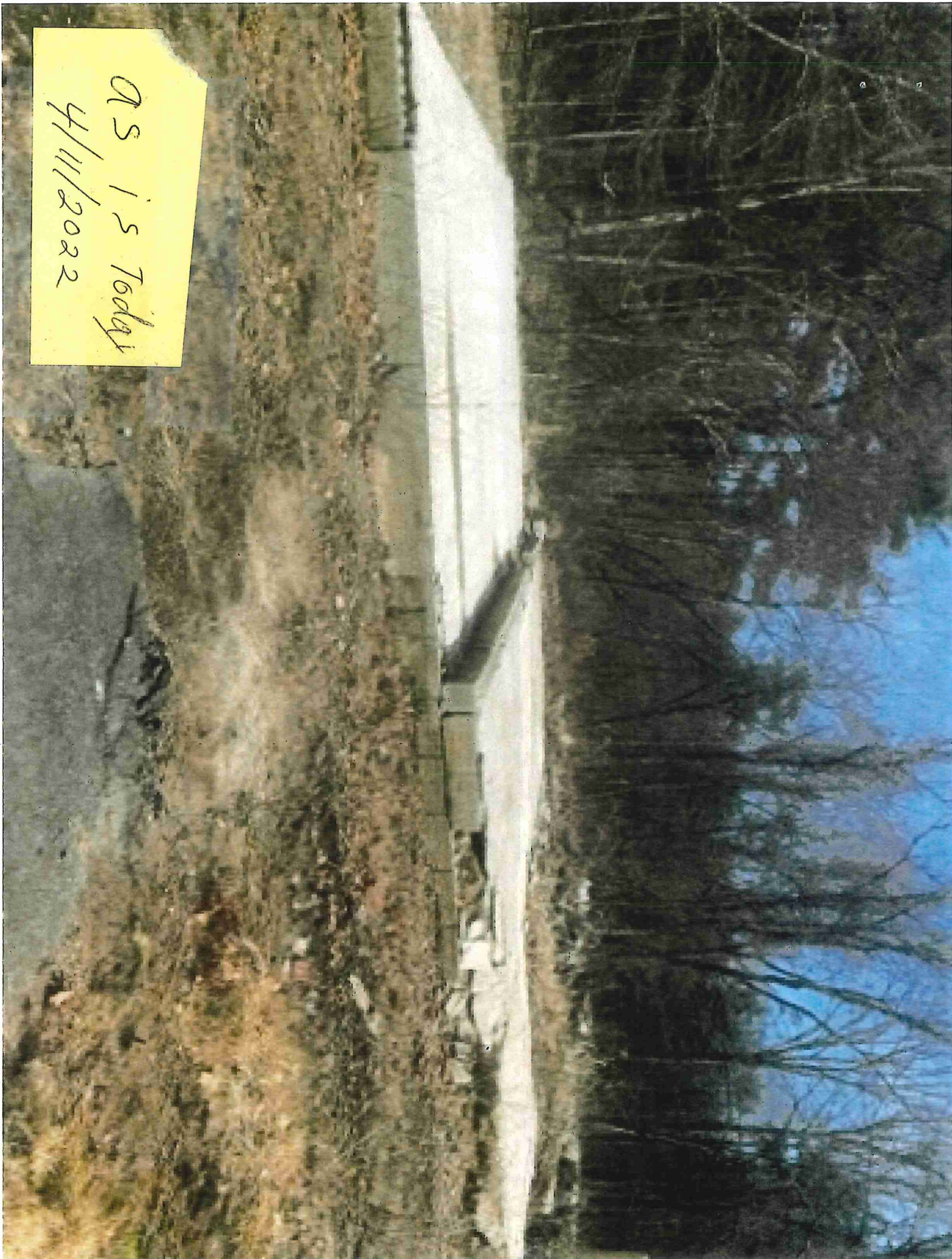
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William Bowler, Chair

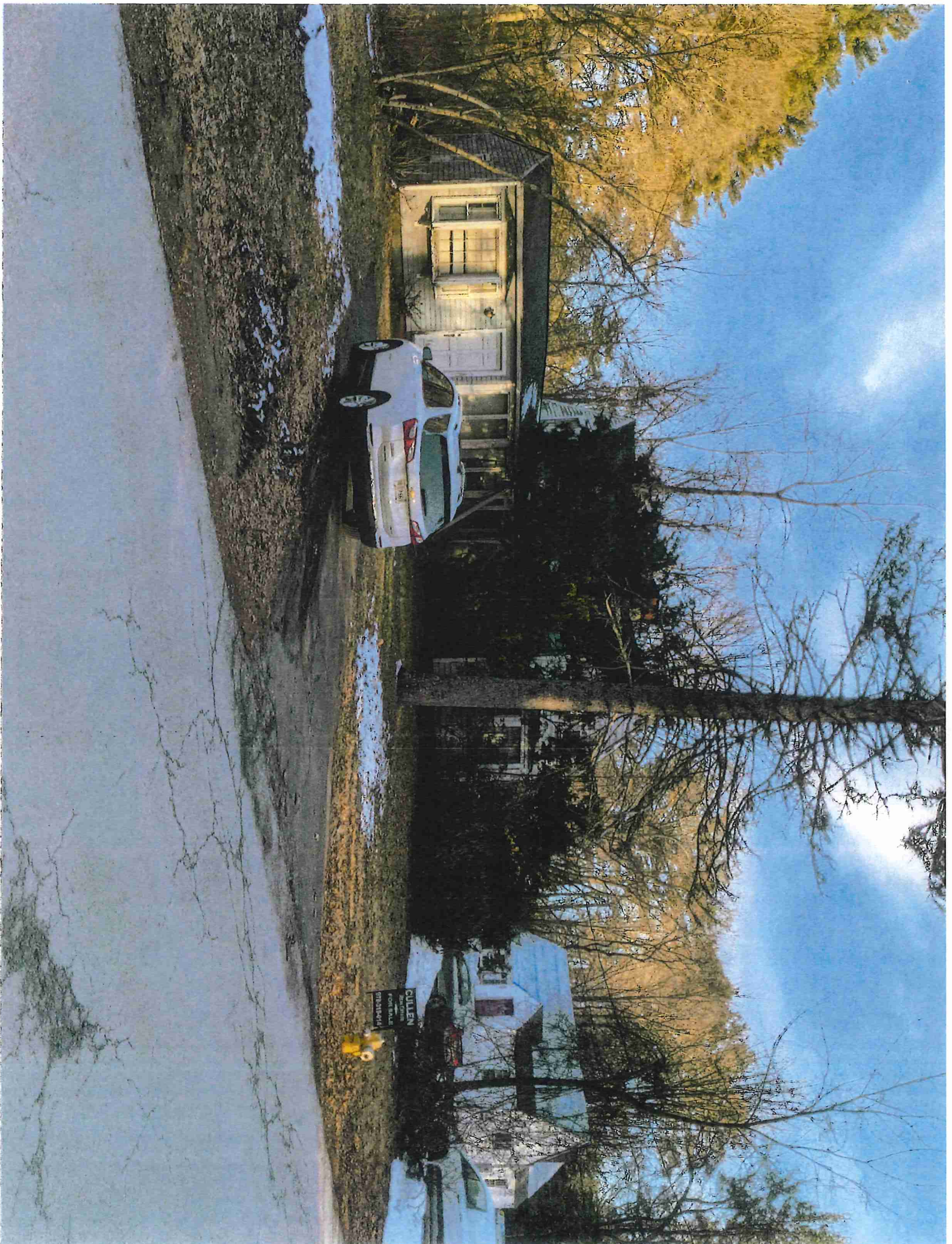
SN - 5/11, 5/18/22

[Back](#)

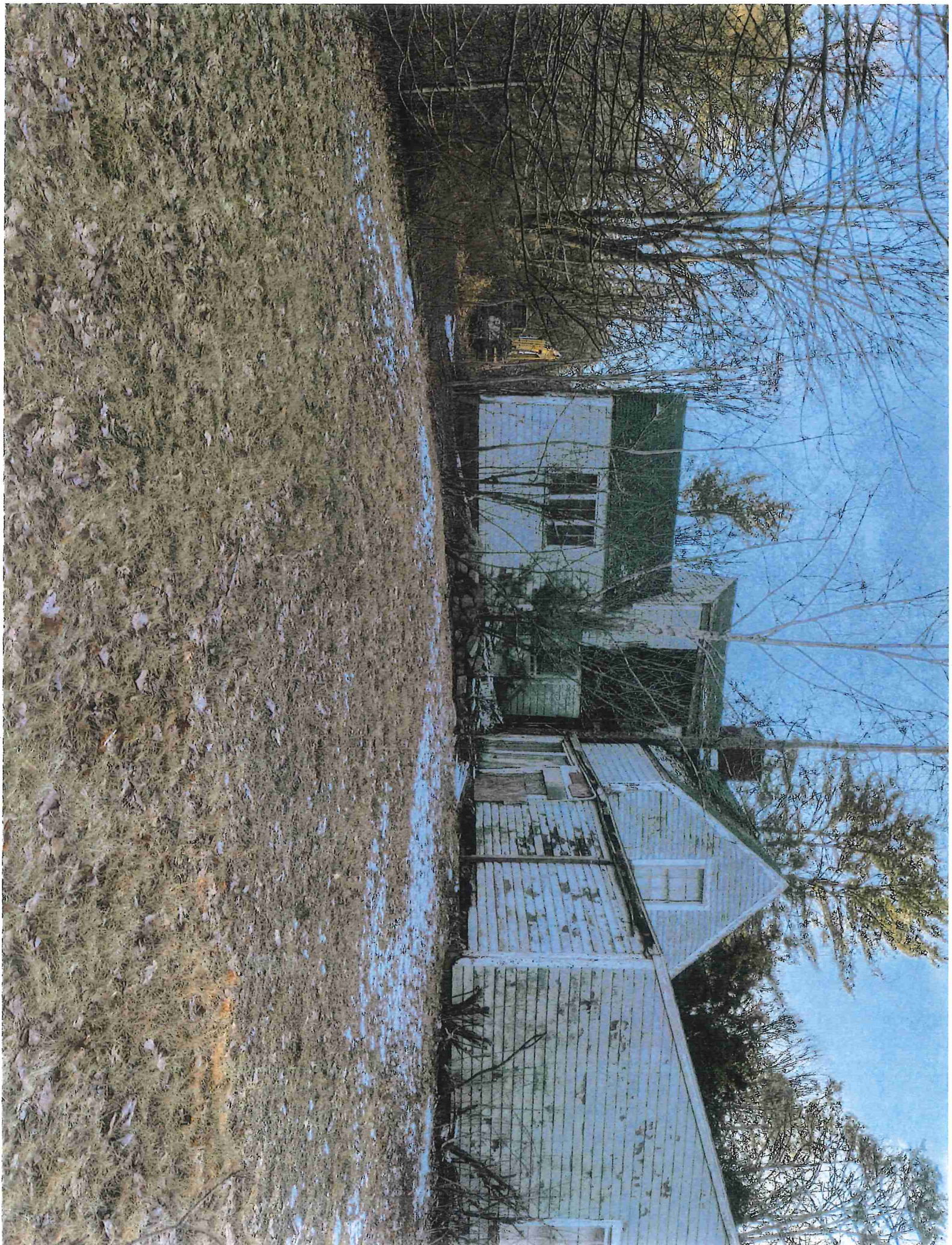
AS is Today  
4/11/2022























SO.ESSEX #575 Bk:40047 Pg:347  
07/01/2021 02:13 PM DEED Pg 1/3  
eRecorded

MASSACHUSETTS EXCISE TAX  
Southern Essex District ROD  
Date: 07/01/2021 02:13 PM  
ID: 1463905 Doc# 20210701005750  
Fee: \$2,280.00 Cons: \$500,000.00

## MASSACHUSETTS QUITCLAIM DEED

### Property Address: 139 and 145 Cutler Road, Hamilton, MA

JMD Development, LLC, a limited liability company duly organized and validly existing under the laws of the Commonwealth of Massachusetts of Amesbury, Essex County, Massachusetts 01913 and

145 Cutler Road, LLC, a limited liability company duly organized and validly existing under the laws of the Commonwealth of Massachusetts of Amesbury, Essex County, Massachusetts 01913

for consideration paid, and in full consideration of Five Hundred Thousand and 00/100 (\$500,000.00) Dollars

grant to Marenglen Zepaj and Flaminio Lanzillo, \_\_\_\_\_, with a mailing address of 78 Mill Street, Middleton, Essex County, Massachusetts 01949

**with quitclaim covenants**

### 139 Cutler Road, Hamilton, MA

That certain parcel of land, together with the buildings and improvements thereon, situated in the Town of Hamilton, County of Essex (Southern District) and Commonwealth of Massachusetts, bounded and described as follows:

A certain parcel of land with the buildings thereon situate on the Northeasterly side of Cutler Road in said Hamilton, and bounded and described as follows, to wit: -

Beginning at the Southerly corner thereof on said Cutler Road by land now or formerly of Dyer; thence running Northwesterly by said Cutler Road 105 feet to other land now or formerly of Richard H. Smith; thence running Northeasterly by said Smith land on a line parallel with and 105 feet distant from the boundary line of said Dyer land to land now or formerly of von Meyer; thence running Southeasterly by said von Meyer land 105 feet to land now or formerly of Dyer;

Property Address: 139 and 145 Cutler Rd, Hamilton, MA

thence running Southwesterly by said Dyer land to said Cutler Road and the first mentioned bound.

Being the same premises conveyed to the Grantor by deed of John M. DiGennaro dated May 17, 2021, and recorded with the Essex South District Registry of Deeds in Book 39886, Page 173.

**145 Cutler Road, Hamilton, MA**

That certain parcel of land, together with the buildings and improvements thereon, situated in the Town of Hamilton, County of Essex (Southern District) and Commonwealth of Massachusetts, bounded and described as follows:

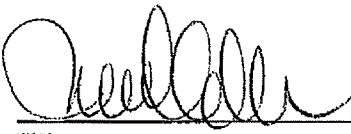
A certain parcel of land with the buildings thereon situated on the Northeasterly side of Cutler Road in said Hamilton and bounded and described as follows: Beginning at the Southerly corner hereof on said Cutler Road by land now or formerly of William F. Mackenzie et ux; thence running Northwesterly by said Cutler Road approximately 185 feet to land formerly of von Meyer, now or formerly of Spaulding; thence running Northeasterly by said Spaulding land 90 feet more or less to an angle; thence running Southeasterly, still by said Spaulding land, to an angle; thence running in a general Easterly direction by said Spaulding land to said Mackenzie land; thence running Southwesterly by said Mackenzie land to said Cutler Road and the point of beginning.

Being the same premises conveyed to the Grantor by deed of John M. DiGennaro dated May 17, 2021, and recorded with the Essex South District Registry of Deeds in Book 39886, Page 175.

The above two properties are not homestead property of the Grantors and there are no other persons who can claim the benefit of the Massachusetts Homestead Act, M.G.L. c. 188.

The within transfer is within the ordinary course of business of the grantor.

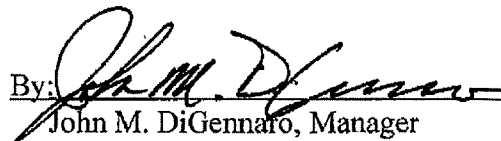
Witness our hands and seals this 16<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
Witness:

JMD Development, LLC

By:   
\_\_\_\_\_  
John M. DiGennaro, Manager

145 Cutler Road, LLC

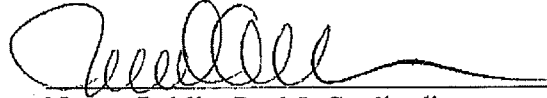
By:   
\_\_\_\_\_  
John M. DiGennaro, Manager



**COMMONWEALTH OF MASSACHUSETTS**

ESSEX, SS.

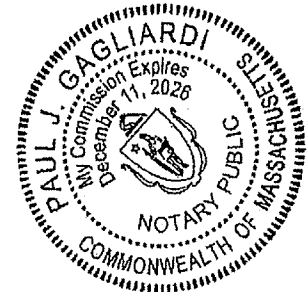
On this 1<sup>st</sup> day of July, 2021, before me, the undersigned notary public, personally appeared John M. DiGennaro, Manager of JMD Development, LLC and 145 Cutler Road, LLC and proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public: Paul J. Gagliardi

My commission expires: 12/11/26

I:\FY2021\Nbypt5-DigennaroPur139&145CutlerSale\Deed.wpd



**nationalgrid**

40 Sylvan Rd  
Waltham MA 02451

**January 28, 2021**

RE: Service Removal for Building Demolition  
**139 CUTLER RD**  
**S HAMILTON, MA**

To Whom It May Concern,

This letter is to confirm that, per your request, National Grid has confirmed electrical meters and service line have been removed from **139 CUTLER RD S HAMILTON, MA**. The work was processed on work request **30323829**.

If you have any questions or need further assistance, please feel free to contact me at (508) 691 6725.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samantha Cruz', with a horizontal line drawn through the middle of the signature.

Samantha Cruz  
MyConnections NE  
**nationalgrid**



April 8, 2022

Map 39, Lot 2

**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:

139 Cutler Road

So. Hamilton

Dated April 8, 2022

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

Jane Dooley

Interim Assistant Assessor



# 300 foot Abutters List Report

Hamilton, MA  
April 08, 2022

## Subject Property:

Parcel Number: 39-0002  
CAMA Number: 39-000-0002  
Property Address: 139 CUTLER RD

Mailing Address: ZEPAJ MARENGLEN LANZILLO  
FLAMINIO  
78 MILL ST  
MIDDLETON, MA 01949

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## Abutters:

Parcel Number: 39-0001  
CAMA Number: 39-000-0001  
Property Address: 175 CUTLER RD

Mailing Address: GILFILLIN BARBARA (#175)  
175 CUTLER RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 39-0003  
CAMA Number: 39-000-0003  
Property Address: 135 CUTLER RD

Mailing Address: COHEN JANE R TRUSTEE MARJORIE  
STONE 2007 TR  
P.O. BOX 2517  
S. HAMILTON, MA 01982

Parcel Number: 39-0004  
CAMA Number: 39-000-0004  
Property Address: 129 CUTLER RD

Mailing Address: PERKINS VIRGINIA  
129 CUTLER RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 39-0005  
CAMA Number: 39-000-0005  
Property Address: 123 CUTLER RD

Mailing Address: BUTTERWORTH RICHARD ANN E  
123 CUTLER RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 39-0010  
CAMA Number: 39-000-0010  
Property Address: 0 CUTLER RD

Mailing Address: HARVARD COLLEGE C/O HARVARD R E  
INC  
1350 MASS AVE  
CAMBRIDGE, MA 02138

Parcel Number: 39-0012  
CAMA Number: 39-000-0012  
Property Address: 145 CUTLER RD

Mailing Address: ZEPAJ MARENGLEN LANZILLO  
FLAMINIO  
78 MILL ST  
MIDDLETON, MA 01949

Parcel Number: 40-0045  
CAMA Number: 40-000-0045  
Property Address: 76 ROCK MAPLE AV

Mailing Address: SHUMAN EVELYN H  
76 ROCK MAPLE AV  
SOUTH HAMILTON, MA 01982

Parcel Number: 40-0056  
CAMA Number: 40-000-0056  
Property Address: 112 ROCK MAPLE AV

Mailing Address: TOMARCHIO JOSEPH A III  
112 ROCK MAPLE AV  
SOUTH HAMILTON, MA 01982



www.cai-tech.com

4/8/2022

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CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

MIKE KENNEALY  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts  
Division of Occupational Licensure  
Office of Public Safety and Inspections  
**Board of Building Regulations and Standards**  
1000 Washington Street, Suite 710 • Boston • Massachusetts • 02118

EDWARD A. PALLESCHI  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS  
REGULATION

LAYLA R. D'EMILIA  
COMMISSIONER, DIVISION OF  
OCCUPATIONAL LICENSURE

May 9, 2022

Elden P. Swindell  
Building Department  
577 Bay Road  
Hamilton, MA 01982

**RE: BUILDING CODE ENFORCEMENT OFFICIAL CERTIFICATION**

Dear Elden:

This letter is to acknowledge receipt of your *New Employee Report Form* sent in announcement of your appointment to the position of **Local Inspector** for the Town of Hamilton.

The current three-year period will end December 31, 2024. Please keep in mind all those who are certified as a building code enforcement official shall maintain said certification by attaining at least forty-five (45) hours of continuing education credit for each three (3) year period following initial certification.

If you have any questions regarding this matter, please contact me @ 617-861-7233 or [kimberly.spencer@Mass.gov](mailto:kimberly.spencer@Mass.gov).

Very truly yours;

**BUILDING OFFICIAL CERTIFICATION COMMITTEE**

*Kimberly Spencer*

Kimberly Spencer  
Program Coordinator

cc: Joseph Domelowicz, Jr., Town Manager  
Rich Maloney, Building Commissioner  
John Bennett, State Building Inspector





BUTTERWORTH RICHARD  
ANN E  
123 CUTLER RD  
SOUTH HAMILTON, MA 01982

COHEN JANE R  
TRUSTEE MARJORIE STONE 20  
P.O. BOX 2517  
S. HAMILTON, MA 01982

GILFILLIN BARBARA  
(#175)  
175 CUTLER RD  
SOUTH HAMILTON, MA 01982

HARVARD COLLEGE  
C/O HARVARD R E INC  
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CAMBRIDGE, MA 02138

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