**HAMILTON ZONING BOARD OF APPEALS MEETING MINUTES**

**June 1, 2022**

**7:00 p.m.**

**Memorial Room, Town Hall, 577 Bay Road, Hamilton, MA**

**Members Present**: Bill Bowler (Chairman), Steven Derocher (Associate), Bruce Gingrich, David Perinchief, and Andie Philip.

**Others Present**: As noted in the meeting.

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

**PUBLIC HEARINGS:**

**Continuation of Special Permit and Variance. 12 Honeysuckle Road. Jeffrey and Krystin Sartorelli. Construct an attached garage and an accessory apartment. Variance for the side yard setback.**

According to the architect, the garage would not be proposed as before. New drawings had been submitted that showed that new square footage added to the rear of the addition, which did not affect the side yard setback. The 900 square feet apartment space included the first floor entry as well as the second story addition.

Bill Bowler noted that the only issue to be aware of in the By-law was: “Any new outside entrance to serve an apartment shall be located on the side or rear of the building unless the permit granting authority deems otherwise appropriate given the layout and function of the building.” Members agreed to a Finding of Fact that the entrance, which was on the front of the building was acceptable as the proposal met all other requirements of Section 3.6. A variance was no longer required with the design change. No specific conditions were noted.

Motion made by Bruce Gingrich to grant the Special Permit for the accessory apartment based on the revised plans as submitted.

Seconded by David Perinchief.

Vote: Unanimous in favor.

**Variance. 139 Cutler Road. Property owned by Marenglen Zepaj and Flaminio Lanzillo. Reconstruction after Catastrophe or Demolition to construct a new dwelling at the site where a single dwelling was demolished.**

Flaminio Lanzillo was present. Mr. Lanzillo stated that there had been a residential structure on the site. Eight months ago, the structure was being renovated by the previous owner when it collapsed. The foundation remained. The plan already had Conservation Commission and Board of Health approval, according to Mr. Lanzillo. The Site Plan illustrated the footprint of the previous structure in yellow. Mr. Lanzillo noted that the new house was more conforming regarding setbacks but the lot size did not meet current standards. The requirement was 20,000 sf while the lot was 10,000 sf. Mr. Lanzillo said the proposal was in keeping with the neighborhood character.

Motion made by David Perinchief to grant the petition for a variance.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

**Special Permit. 8 Villa Road. Property owned by Silas and Ashley Nary. To construct a garage with more than four motor vehicle spaces.**

Silas Nary was present. Mr. Nary indicated that the submitted plans were for a multi-purpose barn with two parking spaces. There were two additional parking spaces in the main dwelling unit. There would be a total of four garage spaces including the house. There were no plans to add a dwelling unit within the barn. According to Mr. Nary, the neighbors were supportive of the project. There would be electricity for mini-splits and seasonal water would be provided.

Silas Nary said the Conservation Commission had been involved as there was a wooded trail adjacent to the proposed building. A gravel driveway was planned, which would cross the trail. Mr. Nary said he owned the land but there was a loosely drafted easement allowing use, which he did not intend to block. Mr. Nary said he planned on improving the trail area. The Order of Conditions, issued by the Conservation Commission, specified the area would be restored.

Motion made by David Perinchief to grant the Special Permit to construct the barn as presented.

Second Bruce Gingrich.

Vote: Unanimous in favor.

**Finding of Fact Alteration of a Non-Conforming Use. 116 Gregory Island Road. Property owned by Lawrence Katz. To construct a screen porch.**

David Jacquith (architect) was present to represent the applicant. Mr. Jacquith said the project had been approved by the Conservation Commission. It was determined that the submitted Site Plan showed an encroachment on the side yard. Both abutters signed a petition in favor of the project and, according to Mr. Jacquith, other neighbors were in support. The abutter was 50’ from the property line and it was noted that the full—size plan was correct.

Bill Bowler announced that the ZBA was recently alerted to the SJC case where an increase in non-conformity for a non-conforming residential property did not need a Variance. It was now within the ZBA’s discretion to require a Special Permit rather than a Variance. Mr. Bowler wanted to ensure that the screen porch was not enclosed and made into a permanent part of the dwelling unit.

Motion made by David Perinchief to grant the Special Permit with the condition that the porch remain a screened in porch and not enclosed and made part of the dwelling unit.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

**DISCUSSION**

Bill Bowler referred to an email from George Pucci. Members agreed to continue the public hearing for the application from Harborlight Community Partners for 466 Highland St. until July 6, 2022.

**MINUTES**

Motion made by Bruce Gingrich to approve the minutes of the May 4, 2022 meeting.

David Perinchief seconded.

Vote: Unanimous in favor.

**DOCUMENTS REVIEWED.**

Revised Plan. 12 Honeysuckle Rd.

Application with photos of 139 Cutler Rd.

Plans for 8 Villa Road.

Site Plan for 116 Gregory Island Road.

George Pucci email regarding Harborlight Community Partners hearing date.

May 4, minutes.

**ADJOURNMENT**

Motion made by Bruce Gingrich to adjourn at 7:28 pm.

Seconded by David Perinchief.

Vote: Unanimous in favor.

Respectfully submitted as approved at the meeting.

Bill Bowler