

Town of Hamilton Zoning Board of Appeals
Town Hall
577 Bay Road
P.O. Box 429
Hamilton, MA 01936

Re: 3 Beech Street Appeal

Dear Members of the Board,

I didn't get up to speak at the last meeting, but I wish that I had.

Mr. Mimmo passed out an outline of his second floor, beginning with Mr. Perinchief, looked him in the eye and said, "here are the original plans of the house that you requested during the last meeting".

Having attended the prior meeting, I thought I heard Mr. Perinchief ask for "before and after" drawings of the existing home (along with the plans of the addition). Mr. Mimmo did not provide the "before" drawings of his house, which show that he constructed a master bath in the space that is indicated as "office". It also does not show an additional basement bedroom suite he constructed for his mother-in-law, who has lived with them for over 5 years. If Mr. Mimmo had presented an accurate drawing of his existing house, it would be on record with the town that he didn't pull a permit for any of the work and his property appraisal may have changed. Instead, he provided the "original" drawings of his house that were on file with the town and implied that he was responding exactly to the request.

Mr. Mimmo's latest set of plans do not include the front of the house sightlines, which will look odd with a large flat roof flaring out, and do not include the basement outline, despite the fact that his original plan included a full basement and windows.

Given the lack of clarity of statements and documents through this process, I would ask that the Board focus on the facts and not be influenced by applicant's posturing (asking for 3 stories so 2 stories appears to be a reasonable compromise).

The Town bylaws provide several protections for both a resident's enjoyment of property as well as preserving their property value:

- 1) Setback
- 2) Limitation of a non-conforming buildout to 100% of the current building
- 3) Building to land ratio

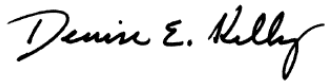
If the board considers Mr. Mimmo's latest plan submission, they will be waiving the first two protections for the abutters, and if only above basement space is counted, the building to land ratio will be at maximum. If the 1,000 foot above grade basement with a full bath is included, it will be well above the building to land ratio.

When the one story addition was presented, the abutters didn't argue the for our setback right and didn't fight the initial variance on the first floor addition. The one story has an above grade foundation, so it's high. The difference between looking at a 30' (length) wall close to your property line and a 78'

wall is significant. Mr. Mimmo has paved/graveled his entire street frontage and, even with a one-story addition, the building coupled with the large parking lot looks like a multi-family unit. With only a one story, it is already detrimental to the neighborhood.

I would request at the next meeting that the Board consider Mr. Mimmo's proposal for what it is, a large addition that doesn't conform with the building rules of the town. If Mr. Mimmo had applied for such an addition at the beginning of the process, would the Board have approved it? If not, the facts have not changed. I respectfully request that you reiterate your initial approval of one story addition, with a roof line that doesn't provide a de facto second floor, in order to protect the value and enjoyment of the abutters' properties.

Sincerely,

A handwritten signature in cursive script that reads "Denise E. Kelly". The signature is written in black ink and is positioned below the word "Sincerely,".

Denise Kelly
2 Beech Street