



MEETING NOTICE

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Committee or Governing Body

ZONING BOARD OF APPEALS REVISED AGENDA

Meeting Location

Meeting Room MEMORIAL ROOM

Address 577 BAY ROAD, HAMILTON MA

Day, Date and Time of Meeting

WEDNESDAY

Date NOVEMBER 7, 2018

Time 7:00 PM

Signature of Chairman or Authorized Person

MARY-ELLEN L FEENER

Date

11/2/18

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting.

MEETING TO BE OPENED BY CHAIR

1. **CONTINUATION OF THE PUBLIC HEARING:** FOR THE APPLICATION SUBMITTED BY DARREN & AMANDA MAIDMENT FOR THE PROPERTY LOCATED AT 65 MAPLE STREET, ASSESSOR'S MAP 48, LOT 06. SPECIFICALLY THE PETITION IS FOR AN EXTENSION A NON-CONFORMITY ON THE LOT IN ORDER TO DEMOLISH EXISTING GARAGE AND CONSTRUCT A LARGER 2 CAR GARAGE
2. **CONTINUATION OF THE PUBLIC HEARING:** FOR THE APPLICATION SUBMITTED BY STEPHEN ERICKSON, FOR THE PROPERTY LOCATED AT 36 LORENZO ROAD, HAMILTON, MA. APPLICANTS ARE SEEKING RELIEF FOR LOT SET BACKS AND LOT COVERAGE IN ORDER TO CONSTRUCT AN ADDITION TO THE EXISTING DWELLING FOR FAMILY ROOM, MUDROOM, BEDROOMS AND A SMALL PORCH
3. **CONTINUATION OF A PUBLIC HEARING:** FOR THE ZONING BOARD OF APPEALS TO CONSIDER AND ADOPT RULES REGARDING 40B PROJECTS
4. **PUBLIC HEARING:** FOR THE APPLICATION SUBMITTED BY ANDREW KRAUS, FOR THE PROPERTY LOCATED AT 310 LAKE DRIVE, HAMILTON, MA. APPLICANTS WOULD LIKE TO DEMOLISH EXISTING HOUSE AND BUILD A NEW TWO BEDROOM HOUSE ON THE LOT.
5. **PUBLIC HEARING:** FOR THE APPLICATION SUBMITTED BY ROBERT SCHOLNICK, FOR THE PROPERTY LOCATED AT 54 BERRYWOOD LANE, TAX MAP 60, LOT 104. SPECIFICALLY THE PETITION IS TO OBTAIN RELIEF FROM ZONING BYLAW 4.1.5 ACCESSORY BUILDINGS, IN ORDER TO HAVE STORAGE BINS ON THE PROPERTY ON A TEMPORARY BASIS.
6. REVIEW AND APPROVAL OF MEETING MINUTES
7. UPDATES FROM THE CHAIR

MEETING TO ADJOURN

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. 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.

The next meeting of the Zoning Board of Appeals is scheduled for December 5, 2018, and will be held at the Hamilton Town Hall, 577 Bay Road, Memorial Room, Hamilton MA 01936, and it will commence at 7:00 PM. 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.

HAMILTON ZONING BOARD OF APPEALS

MINUTES

Memorial Room 299 Bay Road.

November 7, 2018

Members Present: Bill Bowler (Chairman) and Kim Dietel

Others Present: Bruce Gingrich (Associate member).

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

Public Hearing. 54 Berrywood Lane. Robert Scholnick. Allow for temporary storage bins.

Robert Scholnick said he was unaware that he was not able to house six storage units on his property. The units were in place at the insistence of his insurance company and contained items from a fire (July 2016) at his business in Essex. The delay for the storage was due to the insurance company hearings. Mr. Scholnick presented photos of the units and noted his home was the last house on the dead end street. The lot appeared to be heavily wooded with no views of the units from the road. The site was 300' to 400' from the road. George Benoit, who complained about the units, was the nearest neighbor. Bill Bowler recalled that the ZBA had received a letter from Mr. Benoit who was reportedly in Florida. Mr. Scholnick said nothing could be seen from Mr. Benoit's lot.

Robert Scholnick requested a 90 day permit. Bill Bowler referred to Section 4.1.5. of the Zoning By-law, which described accessory buildings. Section 3.2.1. covered temporary construction trailers and signs. Mr. Bowler noted that the Building Inspector could grant a temporary permit for one year with annual extensions. Kim Dietel questioned if the application qualified for a construction trailer or sign when his building was not under construction. Mr. Bowler responded that the Zoning By-law did not specify where the construction would need to occur.

Chris Martin (48 Berrywood Lane) spoke in favor of the request. Kim Dietel questioned why the applicant needed the permission of the ZBA to store something on his property. The six steel containers (8'w x 8' h x 20' l) were temporary. Bill Bowler suggested granting a 90 day permit and if the units were not removed before the 90 day period expired, the ZBA would have a vehicle to enforce the removal. Robert Scholnick said he had received a letter from the Town of Hamilton indicating that the units might be in violation. After speaking with the Building Department, it was determined the use was in a gray area and that he should attend a hearing on the subject. Ms. Dietel wanted to understand what the violation was. Mr. Scholnick reiterated that the insurance company was forcing him to keep the units until the insurance case was settled.

Bill Bowler suggested continuing the hearing until the January meeting to see if the units had been removed. A letter from the applicant would indicate the units had been removed and an

inspection from the Building Inspector, who had investigated the removal, would be supplied. George Benoit would be notified of the process by the Building Department.

Continued Public Hearing. 65 Maple St. Darren and Amanda Maidment. Petition for an Extension of a Non-conformity on a lot in order to demolish an existing garage and construct a larger two car garage.

Bill Bowler announced that Donna Brewer had opined that an extension did not require a unanimous vote by a three person board. Bruce Gingrich was present to maintain a quorum as Kim Dietel had recused herself.

Bill Bowler recalled that the ZBA had requested that the Fire Department sign off on the application. Mr. Bowler had received an e-mail from Phil Stevens (Fire Chief) noting there was no problem with the garage. The issue of having the structure 6' off the property line was discussed. Darren Maidment said he had discovered another set of garage plans that were slightly smaller. Instead of a 1' space between the buildings, the space would be 3'. The new structure would be 28' x 26'.

Motion made by Bruce Gingrich to grant the extension of the non-conforming structure with the condition that the applicant submit a revised plan showing the dimensions of the garage to be 28' x 26'.

Seconded by Bill Bowler.

Unanimous in favor of voting members Bruce Gingrich and Bill Bowler. Kim Dietel recused herself.

Continued Public Hearing. 36 Lorenzo Road. Stephen Erickson. Relief for lot set back and lot coverage to construct an addition on an existing dwelling. Family room, mudroom, bedrooms and a small porch.

At the last hearing, the Board studied the plans and agreed with the setback issues but questioned the lot coverage requirement of less than 25%. Bill Bowler asked Donna Brewer, who indicated that a lot coverage issue would be a variance rather than an extension of a non-conforming use. The applicant requested a continuance to allow time for his architect to revise the plan to keep the lot coverage below the 25% threshold. The hearing would be continued until December 5, 2018.

Public Hearing. 310 Lake Drive. Andrew Kraus. Demolish existing house to build a new two-bedroom house.

Andrew Kraus referred to the Groundwater Overlay District, which changed the zoning in his neighborhood since the time his existing house was built. The existing house did not meet current setbacks while the new structure would meet the requirements. Mr. Kraus noted that he did not have the required frontage on his grandfathered lot. The new structure would have 23' on the side and 33' on the front as setbacks. Bill Bowler noted the new structure would be less non-conforming. The shed would remain on site. The new structure would be larger in square

