

# HAMILTON ZONING BOARD OF APPEALS

## MINUTES

Memorial Room 299 Bay Road.

February 6, 2019

Members Present: Bill Bowler (Chairman), Kim Dietel, and John Rodenhizer.

Others Present: Bruce Gingrich (Associate member).

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

### **Informal Discussion – DPW and Police Department regarding permanent electric sign at 265 Bay Road.**

Russ Stevens (Police Chief) was present. Chief Stevens said he was looking for guidance for the replacement of the existing sign with an electrical sign. The Town had previously granted a variance in 2005 for the existing sign. The existing Public Safety Building sign had two granite posts and a wooden sign. Discussion ensued regarding the illuminated sign, which residents noticed. Resident reaction to the sign was also discussed. The existing illuminated sign was on a temporary trailer. The new sign would be illuminated on both sides.

The Public Safety Building was located in the Residential District. The Hamilton Sign By-law in a Residential District allowed for a sign of 6 square feet or less. When the Public Safety Building was approved in 2005, The Zoning Board granted a variance for the larger sign without establishing a hardship. While Bill Bowler thought replacing the sign with the same sized sign was not an issue, having it internally lit might be an issue as the By-law did not allow it.

Russ Stevens recalled that Cumberland Farms had an illuminated sign but the store was in the Commercial District. Bill Bowler noted that the Zoning Board of Appeals followed the will of the residents to some extent and suggested Chief Stevens survey the residents to determine how they might feel about having the proposed sign. It was agreed that residents did not like the temporary illuminated sign. When Cumberland Farms and the Institution for Savings were approved, residents were concerned about the “village feel.” Mr. Bowler thought public input was important.

A photo of the proposed sign was distributed by Russ Stevens. The sign was digital in the middle and could be read on both sides. Chief Stevens said people liked to read messages as they drove through town. Regulations would be established about what could be noticed on the proposed sign. Chief Stevens noted the importance of being able to communicate important information to residents.

According to Russ Stevens, Town Counsel had opined that since the existing sign was approved via a variance, an extension or alteration of a non-conforming use could be appropriate if the Zoning Board of Appeals could find that the extension or alteration was not more detrimental to

the neighborhood than the existing structure. Bill Bowler suggested having a public hearing to determine how residents felt about the sign and that Chief Stevens speak with Patrick Reffett about the potential new sign By-law. Changes to the By-law could include provisions in the residential district for institutional uses such as schools or public safety buildings. Chief Stevens should also consult the Planning Board about the illumination of the sign. Bill Bowler said an extension of a non-conforming use was a lower standard of approval than another variance.

Bill Bowler suggested Russ Stevens provide the information from Town Counsel and do preliminary work to determine the public's view of the proposal before he files. Kim Dietel said the public needed to know where the police station was located. Bill Bowler noted that Winthrop School was granted a variance due to a public safety hardship rationale. The existing sign was twelve square feet. John Rodenhizer said if signs for the Senior Center, Fire Department, Police Department, and Town of Hamilton each had their own signs, the total allowable square footage would total 48. The proposed sign would be 27 square feet. John Rodenhizer added that it would be a benefit to have the sign dark sky compliant. Chief Stevens referred to the Towns of Georgetown and Groveland, which both had well-done illuminated signs.

Russ Stevens reiterated that illuminated signs would be read and messages such as hydrant flushing needed to be provided to the public. Chief Stevens would speak with Town Counsel and provide the Zoning Board with the previous correspondence. A public hearing would allow for public input on the topic. John Rodenhizer suggested providing photos of Georgetown and Groveland's signs. Chief Stevens assured the Board that the temporary sign would be removed.

**Continuation of Public Hearing. Stephen Erickson. 36 Lorenzo Road. Relief from setbacks and land coverage.**

The applicant emailed to ask to withdraw the petition without prejudice.

Motion made by John Rodenhizer to allow the petition to be withdrawn without prejudice.

Seconded by Kim Dietel.

Vote: Unanimous in favor.

**Continuation of Public Hearing. Robert Scholnick. 54 Berrywood Lane. Relief from Accessory Building By-law.**

Bill Bowler reviewed the history of the issue. Mr. Scholnick experienced a fire in Essex and was storing antiques in six storage cubes on his property. His neighbor complained. At the November meeting, Mr. Scholnick said the insurance claim was in litigation and that he agreed to remove the cubes as soon as the claim was settled. Two cubes had been emptied out, according to reports from the Building Inspector. Bill Bowler suggested reviewing the issue at the next meeting. It was noted the cubes were temporary but that at some point, they might become permanent.

Motion made to continue until the March meeting.

Seconded.

Vote: Unanimous in favor.

**Public Hearing. Jason and Jannie Kingsley. 27 Margaret Road. In law apartment.**

The applicant explained the proposal would include the conversion of a single car garage to an open concept living space. The garage door would be removed and two small windows would be added. The house would still remain a three bedroom house with a master suite above the garage. The septic system was already sized for three bedrooms. While the proposal was for a temporary apartment, John Rodenhizer suggested the applicant consider a permanent apartment in accordance with the newly approved By-law. Bill Bowler said the criteria for approval needed to be considered.

The proposal met the Board of Health requirements, had existed more than two years, had owner occupancy, would be used by in-laws, was the only accessory dwelling unit on the lot, had plans, had separate doors, did not increase the floor area, had two tenants, had one bedroom, had a lot of .23 acres, would not significantly alter the external appearance from a single family unit, had only one shared utility meter for both units, had a second egress, had four parking spaces, and the additional dwelling unit was less than 700 sf.

A temporary dwelling unit permit would need to be renewed in four years and if the permit was not renewed, the unit would need to be removed. The applicant was unaware of the permanent apartment By-law but it was agreed that a separate public hearing would be required to approve the apartment under that circumstance. Bill Bowler said a condition of the approval would be that a copy of the plan be filed.

Motion made by John Rodenhizer to grant the special permit for the temporary additional living area.

Seconded by Kim Dietel.

Vote: Unanimous in favor.

Bill Bowler explained the process to the applicant.

**Adjournment.**

Motion to adjourn made by John Rodenhizer.

Seconded by Kim Dietel.

Vote Unanimous to adjourn at 7:45pm.

Prepared by:

\_\_\_\_\_  
Marcie Ricker

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Attest

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Date