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Memorial Room 299 Bay Road.

November 6, 2019

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

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

Public Hearing: For the application for the extension or alternation of non-conforming use and Special Permit submitted by Attorney James Kroesser, for the property owned by Christopher and Jennifer Woodin, located at 6 Bridge St., Hamilton, MA. The application is to reduce the area of a pre-existing undersized lot by conveying a triangular area of land to the abutting property owned by Doug and Carolyn Trees, 557 Bay Road.

Jim Kroesser was present to represent the applicants. Mr. Kroesser submitted an amended plan to show that Parcel A, which was originally 511 sf had been reduced to 380 sf to accommodate the septic system setback requirement of 10'. The proposal was required as Doug Tree's dwelling was located on the Woodin's property.

The Trees property was originally a gas station that had been torn down and rebuilt in the 1990's. The 1990's proposal required a Site Plan Review. The property was later extended to include an office and a home. Jim Kroesser provided a survey and the 1957 plan. The 1957 plan featured an incorrect lot line, which may have been the result of an incorrect layout of Bay Road. The pre-existing easement disappeared.

Bill Bowler explained that the proposal contained two non-conforming lots that were undersized but grandfathered. A land swap would have avoided one lot becoming more non-conforming due to a further reduction in size but the land swap was not allowed due to septic locations. While an increase in non-conformity would occur to one lot due to the reduction in size, the non-conformity of having a home on the neighbor's lot would disappear. It was agreed that the ZBA process would be cleaner and quicker than applying for adverse possession between friendly neighbors. Mr. Bowler stated that he would prefer to entitle it an alteration rather than a reduction due to the circumstance of the proposal. If approved by the ZBA, the applicant would have an Approval Not Required plan signed by the Planning Board.

Jim Kroesser noted that the standard set was that the proposal not be substantially more detrimental to the neighborhood. In this case nothing would be changed except the lot line. John Rodenhizer suggested conditioning the approval that no new structures such as a shed be constructed on the newly annexed parcel. Mr. Kroesser noted that a fence existed currently and that a section needed to be connected. Mr. Rodenhizer agreed that a fence would be acceptable. Mr. Kroesser said the existing staircase existed in the area. Mr.

plan in the event that someone wanted to rebuild it in the future.
The staircase was shown on the septic plan. A note indicated that the
lower portion of the stairs would be reconfigured. Such that it did not

encroach on the setback or
Motion made by John Rodenhizer to grant the special permit for the increased the
alteration of the non-conforming lots with the condition that nothing non-conformity.
but a fence be installed in the newly annexed land to be conveyed.

Kim Dietel seconded.

Vote: Unanimous in favor.

John Rodenhizer requested that the applicant submit the new plan with
noted restrictions on the annexed land for the record.

Meeting minutes review and approval.

Adjournment.

Motion to adjourn made by John Rodenhizer.

Seconded by Kim Dietel.

Vote Unanimous to adjourn at 7:24 pm.

Prepared by:

Marcie Ricker

Date

Attest