

HAMILTON ZONING BOARD OF APPEALS

MINUTES  
Via Zoom Meeting  
852 9566 3397

June 3, 2020

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

Associate Member: Bruce Gingrich

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

**Continuation of Public Hearing: For the application submitted by MPM Companies, LLC for the property located at 22 Elliott Street for a Special Permit to demolish and rebuild a single family dwelling and a Variance to change the non-conforming structure in such a manner as to increase an existing non-conformity or create a new non-conformity.**

Bill Bowler announced that the petitioner had sold the property and submitted a letter requesting to withdraw the petition.

Motion made by Kim Dietel to grant the request to withdraw the petition without prejudice on 22 Elliot St.

Seconded Bruce Gingrich.

Roll call vote: Kim Dietel – aye, Bruce Gingrich – aye, and Bill Bowler – aye. Unanimous in favor.

**Public Hearing: For application submitted by Andreu Viader for property located at 504 Essex St. in order to convert an existing in-law apartment approved for the previous owner of the property to an accessory apartment.**

Andrew Viader was present via zoom. Bill Bowler summarized the history of the application by stating the ZBA had approved a temporary in-law apartment for this property in 2016. The Special Permit for the in-law apartment expired upon the sale of the property. Mr. Bowler said the applicant hoped to convert the existing apartment to an accessory apartment. Mr. Viader said he had moved into the residence six weeks ago and wanted to have the apartment re-permitted as an accessory apartment. There would be no modifications or renovations to the unit, which already conformed to the Hamilton By-laws for an accessory apartment.

Bill Bowler explained that dimensional requirements were different for the different sections (in-law and accessory apartments) of the By-law. The in-law apartment required a renewal every four years and the permit would expire once the in-law tenant moved out or passed away. Mr. Bowler added that he believed the temporary in-law apartment provision could be removed from the By-law, which would be the responsibility of the Planning Board.

Bill Bowler said there would be no physical changes to the apartment and Andrew Viader stated the property passed Board of Health Title 5 inspection for the septic system. Mr. Bowler went through the provisions of Section 3.6 to ensure compliance. The applicant was the owner, the property was at least ten years old, the apartment was located within a single family dwelling and was only 579 sf (less than the 900 sf limit), it was the only accessory apartment on the lot, it had one bedroom and one bathroom, there was at least one off-street parking space, it was designed so the exterior appearance remained unchanged, and there were two egresses, which were not visible from the street. Mr. Bowler noted that the Town had not permitted ten apartments in the last twelve months. Mr. Bowler added that the property must remain in the applicant's name, not be converted in a condo, and that the applicant must remain living in the main residence. Mr. Bowler opined that the application met the requirements of the By-law. .

Motion made by Kim Dietel to grant the Special Permit for the accessory apartment under Section 3.6.

Bruce Gingrich seconded.

Roll call vote: Kim Dietel – aye, Bruce Gingrich – aye, and Bill Bowler – aye. Unanimous in favor. Bill Bowler explained the process to the applicant including the 20 day appeal period and requirement to file the Special Permit at the Registry of Deeds.

**Meeting minutes review and approve.**

Motion made by Bruce Gingrich to approve the minutes of September 2019 and March 2020. Seconded by Kim Dietel.

Roll Call vote: Kim Dietel – aye, Bruce Gingrich – aye, and Bill Bowler – aye. Unanimous in favor.

**Updates from the Chair.**

Bill Bowler thanked John Rodenhizer for his service. Mr. Rodenhizer was moving out of Hamilton and was unable to continue to serve on the Board. Bruce Gingrich would continue to serve as an Associate member until the Selectmen appointed him a full member to fill Mr. Rodenhizer's seat. Mr. Bowler had planned on leaving the Board in the end of June, but due to the recent virus situation, would remain on the Board for an additional few months. Mr. Bowler would be present for the July meeting.

**Adjournment.**

Motion to adjourn made by Kim Dietel.

Seconded by Bruce Gingrich.

Roll Call vote: Kim Dietel – aye, Bruce Gingrich – aye, and Bill Bowler – aye. Unanimous in favor to adjourn at 7:20.

Prepared by:

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Marcie Ricker

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Attest

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Date