

DRAFT  
HAMILTON ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
March 2, 2022  
7:00 p.m.  
Zoom Meeting  
86440792177  
Passcode 404003  
Hamilton Town Hall  
299 Bay Road, Hamilton, MA

**Members Present:** Bill Bowler (Chairman), Steven Derocher (Associate), Bruce Gingrich, and Andie Philip.

**Others Present:** Patrick Reffett.

This meeting was called to order at 7:00 pm with a quorum established. Bill Bowler welcomed the newest member, Steven Derocher.

**PUBLIC HEARINGS:**

**37 Howard St. Finding for relief from non-conforming uses and structures to construct a one-car garage with a mudroom connector and a master suite above. Thomas and Ericka Martin.**

Brian Stein was present to represent the applicants. Mr. Stein noted that the home did not have a garage and the proposed location was restricted due to the 50' no build zone enforced by the Conservation Commission. The 22' deep garage would need to be 21.2' from the street as opposed to the 25' set back required. The garage had to be located in the current driveway and not go beyond the existing pavement. The house was 26' from the property line and the addition was proposed to have stayed even with the steps. The Building Inspector had suggested obtaining a Finding for the construction. Mr. Stein further noted that neighborhood homes typically had garages with rooms above them.

Bill Bowler explained that the Board typically allowed extensions of non-conforming uses when there was not an increase of the non-conformity. If there was an increase of the non-conformity, the application would need to be for a variance. Mr. Bowler said the front of the garage was five feet out from existing house but the reason the garage could not be built with the same set back was due to the no build zone issue. Brian Stein said he pushed the garage back as far as possible in the existing driveway. The Building Inspector had opined that the steps were part of the structure.

Bill Bowler requested that notes from the Conservation Commission and Building Inspector be incorporated into the file. Brian Stein said the applicant would file a Notice of Intent with the Conservation Commission for the work. The ZBA would be given the Orders of Conditions issued for the property. The information from both departments would be a condition of

approval. Mr. Bowler reiterated that the application should be variance but under the circumstances, the Board would go to a vote.

Motion made by Bruce Gingrich to grant the extension of non-conforming use for property at 37 Howard St. with the conditions that letters be received from the Conservation Commission and the Building Inspector.

Andie Philip seconded.

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

**652 Asbury St. Relief from Use Regulations Continued. To construct a 30' x 60' barn. 25 Butterfield LLC**

Bill Bowler announced that he had received a letter from the applicant to ask to withdraw without prejudice.

Motion made by Bruce Gingrich to allow the applicant to withdraw his petition without prejudice.

Seconded by Andie Philip.

Vote: Andie Philip - aye, Bruce Gingrich - aye, and Bill Bowler - aye. Unanimous in favor.

**968 Bay Road. Finding for the relief from non-conforming uses and structures to construct a three bay garage with game room/1.5 bath and kitchen. John and Candace Simourian.**

Jeff Allsopp was present to represent the applicant. Mr. Allsopp noted the circa 1600 home had a two bedroom cottage with a two car bay below it. The lot was just under 80,000 sf. The cottage would be reduced to a one bedroom apartment over the garage with a commissary kitchen (sink, fridge, and sink) and would be used as expansion space for the existing home. The unit would not be rented. The proposal was to add a three bay garage with a game/family room above, which would be connected below grade via a burrow. A retaining wall would be built. The cottage would be reduced but an expansion would be constructed. The units would be conforming in terms of setbacks. The cottage had been grandfathered and occupied.

Andie Philip noted the provision in the Building Code regarding two separate structures from a fire standpoint, but Jeff Allsopp explained the Building Inspector had considered her concern and the issue was waived as the underground burrow essentially allowed the addition to be part of one structure. The buildings would also be far enough apart. The cottage would also change by having a reduction from a two car bay to a single car bay and entrance.

Bill Bowler noted that the application could be filed as an apartment for approval in the future. Mr. Bowler wanted to make it clear that it could only be one dwelling unit.

Motion made by Bruce Gingrich to grant the extension of the non-conforming structure with the condition that it be clear that there would be no additional dwelling unit.

Seconded by Andie Philip.

Roll Call Vote: Andie Philip – aye, Bruce Gingrich – aye, and Bill Bowler – aye. Unanimous in favor.

**REGULAR BUSINESS**

**Minutes**

Motion made by Bruce Gingrich to approve the minutes of February 2, 2022.

Seconded by Andie Philip.

Roll Call Vote: Andie Philip – aye, Bruce Gingrich - aye, and Bill Bowler – aye. Unanimous in favor.

**DOCUMENTS REVIEWED.**

Plan of Land 37 Howard St.

Letter requesting withdraw without prejudice for 652 Asbury St.

Plan of Land 968 Bay Road..

**ADJOURNMENT**

Motion made by Bruce Gingrich to adjourn at 7:42 pm.

Seconded by Andie Philip.

Roll Call Vote: Andie Philip – aye, Bruce Gingrich – aye, and Bill Bowler – aye. Unanimous in favor.

Respectfully submitted as approved at the \_\_\_\_\_ meeting.

Bill Bowler