

NOTICE OF PUBLIC HEARING - TOWN OF HAMILTON – ZONING BOARD OF APPEALS

The Town of Hamilton ZBA will hold a Public Hearing on Wednesday, August 2, 2023, in the Memorial Room, 577 Bay Road, and via Zoom, to commence at 7 PM, for the property located at 44 R Maple Street, Map 55, Lot 328. The applicant is Stephen Santarelli. The application is for a Finding of Fact to add an extension to an existing shed required under Zoning Bylaw 5.3.4.5. The application is available for review at the Building Department during regular hours of Town Hall. Zoom details will be available when agenda is posted.

Bruce Gingrich, Chair

Check # 2173  
paid \$75



TOWN OF HAMILTON  
ZONING BOARD OF APPEALS

REQUEST FOR FINDINGS OF FACT  
EXTENSION OR ALTERATION OF A NON-CONFORMING USE

Date Submitted: July 10, 2023

Applicant Name: Stephen Santarelli

Non-Conforming Property Located at: 44 R. MAPLE STREET

Note the Existing Non-Conformity (check all that apply):

- Lot Size
- Front Yard Setback
- Side Yard Setback
- Rear Yard Setback
- Lot Coverage
- Property/Building Use
- Other: \_\_\_\_\_

Will the proposed extension or alteration meet current zoning requirements:

- Yes
- No: State non-compliance of extension/alteration

Will the proposed extension or alteration further encroach on the existing non-conformity

- Yes: State further encroachment
- No

Applicant shall state that the extension or alteration reflects the nature and purpose of the previous use (or) that the extension or alteration is no different in kind in its effect on the neighborhood as compared with the previous use, for the following reasons:

The extension will be used for storage, as is the existing structure.

Applicant shall state that the extension or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure for the following reasons:

- overall size of extension only 7' x 16'
- Adjacent right of way not used by anyone (near dead end)
- Extension will house machinery currently stored outside

Signed: [Signature]

Address: 44 R. Maple St.  
S. Hamilton, MA

Phone: (978) 466-3171

stephen@nii.net

TOWN OF HAMILTON  
ZONING BOARD OF APPEALS

APPLICATION FOR ZONING BOARD OF APPEALS HEARING  
To be completed by all Applicants

Date Submitted: 7-10-23

Applicant Name: Stephen Santardi Phone: 978 468-3171

Applicant Address: 44R Maple St.

Applicant respectfully petitions the Board of Appeal for the following:

FINDING UNDER  
SECTION 5-3.4.5

That he/she is seeking (check all that apply):

- Variance: (State Type)
- Extension or Alteration of a Non-Conforming Use, Structure, or Lot
- Site Plan Review
- Abbreviated Site Plan Review
- Special Permit: (State Type)
- Appeal of Decision of the Building Inspector
- Conversion for Temporary Living Area
- Comprehensive Permit
- Other:

Address of Property if different from Applicant Address above:

Owner of property if different from Applicant noted above:

Note: If not the owner of the property, applicant must provide proof they are either the holder of a written option to purchase the property (or) verification they have authority to act on behalf of the owner of the property.

Zoning District: R-1A  
Existing Lot Size: 24,460 SF

State Briefly what structures are on the property:

① House ② Shed

State in detail what the petitioner desires to do at said subject property:

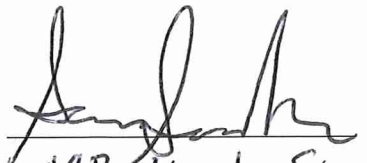
Add a 7' x 16' extension to a 12' x 16' (existing) shed

State whether any petition as to the said premises has been submitted to this Board within the last five years. If so, give details:

No.

State if any Building Permit has been granted to said premises within the past two years. If yes, give details:

No

Signed:   
Address: 44R Maple St.  
S. Hamilton, MA  
Phone: (978) 468-3171

APPLICATION CHECK SHEET  
HAMILTON ZONING BOARD OF APPEALS

EXTENSION OR ALTERATION OF NON-CONFORMING USE

8 copies of all Materials. Refer to Instruction Sheet.

Section of the Zoning By-Law covering desired Board action(s)

\_\_\_\_\_

**Existing Non-Conformity – Check all that apply**

- Lot size
- Lot coverage
- Side yard setback
- Front yard setback
- Rear yard setback
- Frontage
- Other. Specify. \_\_\_\_\_

**Extension/Alteration of a single or 2-family residential structure is allowed as a matter of right if the extension or alteration meets either of the following:**

- Existing structure is on a conforming lot but is non-conforming because it encroaches on a setback. The proposed alteration or extension will not change the setbacks that fail to conform. The entire structure meets all other requirements of the by-law.
- Existing structure is non-conforming solely because it is located on a lot which is non-conforming as to size and/or frontage as a result of a zoning change. Existing structure and alteration/extension meet all other current requirements of the zoning by-law (setbacks, height, lot coverage, etc).

**Visual Materials Required - Scaled drawings showing at a minimum the following**

1. Site Plan: Include at a minimum:
  - Plan showing total parcel of land
  - Title block with Date
  - Scale
  - North Arrow
  - All property lot lines with dimensions
  - Area of parcel of land
  - All building locations with dimensions of structures and dimensions to lot lines
  - Location and use of all adjacent structures with dimensions to lot lines if applicant is seeking relief to construct within 20 feet of another building or if applicant is seeking to meet the average front yard setback requirements in lieu of the 25 foot setback.
  - Zoning District including Watershed Protection areas and Historic District areas. If property falls within more than one district, plan shall show all district lines.
  - Location of wetlands protected areas.
2. Exterior Elevations of the Building
3. Scaled floor plan of both new and existing structure





2  
21

12/29/97 8:49 inst. 52

QUITCLAIM DEED

BK 14506 PG 472

I, Thomas O. Santarelli deBrasch of Portland, Cumberland County, Maine, being unmarried,

in consideration of Sixty Thousand and 00/100 (\$60,000.00) Dollars,

grant to Stephen F. Santarelli deBrasch, of 44R Maple Street, Hamilton, Essex County, Massachusetts

with quitclaim covenants

any and all right, title and interest which I may have in and to the land with buildings thereon situated at 44R Maple Street, Hamilton, Essex County, Massachusetts bounded and described as follows:

Beginning at a point on Maple Street by land now or formerly of Stephen Darcy, thence running:

SOUTH 17° 10' 40" WEST by Maple Street, seven and 96/100 (7.96) feet to a corner marked by a "Pipe Set"; thence turning and running

NORTH 51° 19' 0" WEST along a right of way three hundred sixty-four and 37/100 (364.37) feet to a corner marked by a "Rod Set"; thence turning and running

NORTH 26° 24' 50" EAST in part by a stone wall and land now or formerly of Szaryc, ninety-six and 84/100 (96.84) feet to a Corner post C.L. fence"; thence turning and running

SOUTH 77° 45' 50" EAST by land now or formerly of Higgins, one hundred sixteen (116) feet to a corner marked by a "Pipe Set" which is 4.18' from a "Corner fence post"; thence turning and running

SOUTH 35° 43' 40" WEST by land now or formerly of Princi, forty-one (41) feet to a corner marked by a "Pipe Set"; thence turning and running

SOUTH 51° 51' 15" EAST by land now or formerly of said Princi, one hundred ten and 38/100 (110.38) feet to a corner marked by a "Pipe found"; thence turning and running

SOUTH 35° 31' 25" WEST by land now or formerly of said Darcy, one hundred six (106) feet to a corner marked by a "Pipe Set"; thence turning and running

SOUTH 53° 46' 22" EAST by land now or formerly of said Darcy, one hundred sixty (160) feet to the point of beginning, containing approximately 24,460 square feet of land, according to plan hereinafter mentioned.

AFFECTED PREMISES: 44R MAPLE STREET  
HAMILTON, MA 01936

Return To: P&A  
Ardiff & Morse, P.C.  
Box 75

273.60

Said premises are shown as Parcel "A" on land entitled "Plan of Land in Hamilton, Mass., belonging to Sylvia R. Maione, Philip F. Maione, Annette McElhiney & George Thibodeault, Date: 24 November 1980, Lawrence M. Peterson, Registered Land Surveyor", recorded with Essex South District Registry of Deeds in Book 6779, Page 800.

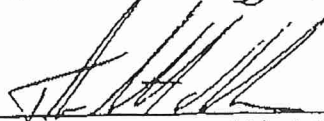
Said premises are conveyed together with any and all of my right, title and interest in and to the area shown on said Plan as "Right of Way, 16,470 S.F.", including, but not limited to, all rights and easements set forth in deed from Annabelle M. Thibodeault to Ethel M. Lord dated November 20, 1953, and recorded with said Deeds in Book 4028, Page 202.

For title, see deed of Philip F. Maione, Sylvia R. Maione, Annette McElhiney, and George A. Thibodeault to Theodore F. Santarelli deBrasch dated November 20, 1981, and recorded at the Essex South Registry of Deeds, Book 6885, Page 322. Theodore F. Santarelli deBrasch died on December 17, 1987. See Essex County Probate Docket No. 87P-3336-EI. See also Affidavit under M.G.L. Chapter 183, §5B, recorded at said Registry of Deeds, Book 13706, Page 43.

Said premises are conveyed subject to encumbrances of record.

Executed as a sealed instrument this Nineteenth day of December, 1997.

  
Witness

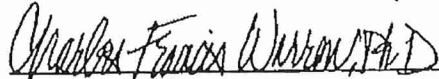
  
Thomas O. Santarelli deBrasch

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

19 December, 1997

Then personally appeared the above-named Thomas O. Santarelli deBrasch, and acknowledged the foregoing instrument to be his free act and deed, before me,



Notary Public  
My commission expires:  
My Commission Expires Feb. 26, 2004

COMMONWEALTH OF Massachusetts  
Date: 19 December 1997  
They personally appeared the above named  
Thomas O. Santarelli deBrasch  
and acknowledged the foregoing instrument  
to be his free act and deed, before me

CHARLES F. WARREN, Ph.D.  
My Commission Expires March 28, 1997  
My Commission Expires Feb. 26, 2004

**CANCELLED**  
DEEDS REG 10  
ESSEX SOUTH

12/29/97

TAX 273.60  
CASH 273.60

2435A000 08:45  
EXCISE TAX



