

## Notice of Public Hearing - Town of Hamilton Zoning Board of Appeals

A Public Hearing will be held at 7 PM, on Wednesday, August 6, 2025, at the H-W Public Library, 14 Union Street & via Zoom. The application is for the property located at 505 Bay Road owned by Harrigans Hamilton Property LLC. Applicant is seeking to amend a 2002 Site Plan Review and Extension or Alteration of a Non-Conforming Use to remove a condition that the dwelling unit be owner-occupied. A copy of the complete application is available for review in the Building Department during the regular hours of operation of the Town Hall at 299 R Bay Road.

Bruce Gingrich, Chair

LAKE LEGAL LLC

7-1-2025

Rec.

M.E. Feenan

\$75 paid

June 30, 2025

Hamilton Zoning Board of Appeals  
Attn: Bruce Gingrich, Chair  
577 Bay Road  
Hamilton, MA 01936

Re: Application for Alteration of Non-Conforming Use

Mr. Gingrich & Members of the Board:

This office represents Harrigan's Hamilton Prop., LLC, owner of the property located at 505 Bay Road (the "Premises") and operator of the package store thereon.

In 2002 the Hamilton Zoning Board issued a decision regarding a Non-Conforming Use, a copy of which decision is attached hereto as "Exhibit A" (the "Decision"). In summary, the Decision permitted the construction and use of residence on the Premises to be attached to the grandfathered non-conforming package store.

Our client is seeking the removal of the first condition of the Decision (see page 2), which requires that the dwelling on the Premises be owner-occupied. The new owner already has a residence, and it is in the best interest of the house and the neighborhood to keep the home in use (rather than empty) and occupied by someone who can keep an eye on the package store. Please note that there is no change to the non-conforming use (the package store). Included with the application are (a) a check for the Seventy-Five Dollar filing fee; (b) a Certified Abutter's List; and (c) copies of the existing site and floor plans, as there will be no change to the structure.

We hope that this board agrees with our belief that keeping the home occupied, by removing condition number one (1) from the Decision, will benefit the neighborhood and town. I look forward to hearing your thoughts at the Board meeting on August 6<sup>th</sup>.

Very Truly Yours,

  
Philip G. Lake, Esq.  
LAKE LEGAL, LLC

PGL/rwb; Enclosures

CC: Lawrence Judy, Manager  
Harrigan's Hamilton Prop., LLC

**TOWN OF HAMILTON  
ZONING BOARD OF APPEALS**

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

Date Submitted:

Applicant Name: Harrigans Hamilton Prop. LLC Phone: (978) 614-5558

Applicant Address: 505 Bay Road, Hamilton, MA 01982

Applicant respectfully petitions the Board of Appeal for the following: 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: Same.

Owner of property if different from Applicant noted above: Same.

**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: R1A

Existing Lot Size: 0.4904 Ac

State Briefly what structures are on the property: Package Store and Single-Family Residential Dwelling, attached

State in detail what the petitioner desires to do at said subject property: We seek the removal of the first condition on the existing (2002) Decision affecting the Premises, specifically, that the dwelling unit be owner-occupied. No further changes to the Premises, or to the conditions of the Decision, are sought.

State whether any petition as to the said premises has been submitted to this Board within the last five years. If so, give details: In December, 2022, permission was sought from this board for the ability to place a sandwich board in front of the package store during the business hours thereof. This request was granted; the associated Decision was recorded at the Essex South District Registry of Deeds in Book 40834, Page 5.

State if any Building Permit has been granted to said premises within the past two years. If yes, give details: None.

Signed: Lawrence J. Kelly, Manager  
2020122714530424

Address: 505 Bay Road

Hamilton, MA 01982

Phone: (978) 614-5558



**TOWN OF HAMILTON  
ZONING BOARD OF APPEALS**

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

Date Submitted: \_\_\_\_\_

Applicant Name: Harrigans Hamilton Prop LLC

Non-Conforming Property Located at: 505 Bay Road, Hamilton, MA 01982

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  
Applicant is seeking an alteration of the conditions imposed by the previous 2002 Decision (recorded at Essex South District Registry of Deeds in Book 19488 Page 358); existing non-conformity in use will not be affected by this change.

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:

Applicant is seeking the removal of condition (1) of the 2002 Decision, to wit: that the residence on the premises be occupied by the owner of the business (package store) located thereon. The effect to the neighborhood will be largely unchanged as the residential use of this unit will remain.

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:

The alteration will not be substantially more detrimental to the neighborhood as the residential use will remain unchanged. Uncoupling the occupancy of the residence from the ownership of the package store should increase the supply of housing in the neighborhood. The continued occupancy of the residence is better for the physical condition of the premises and the safety of the neighborhood.

Signed by: Lawrence Judy, Manager  
AF74B3DCB0D743F...

Address: 505 Bay Road

Hamilton, MA 01982

Phone: (978) 614-5558



"Exhibit A" to Letter Re: Application  
for Alteration of Non-Conforming Use  
TOWN OF HAMILTON

TOWN HALL  
HAMILTON, MASSACHUSETTS 01936

2002102800760 Bk:19488 Pg:358  
10/28/2002 14:04:00 OTHER PW 1/3

508-468-5570

ZONING BOARD OF APPEALS

Notice of Decision  
No. 17 of 2002

RECEIVED  
TOWN CLERK'S OFFICE  
THERESA M. FANNING  
JUL 22 11 14 AM '02

Petitioner: Lawrence R. Chase

Property Address: 505 Bay Road

Relief Sought: Site Plan Review and Extension or Alteration of  
a Non-Conforming Use

Pursuant to: Hamilton ZBL Sections VI.H and III.A

Petition Filed: April 22, 2002

Public Hearing Held: June 18, 2002; continued to site walk  
June 24, 2002; continued to July 9, 2002

Decision Rendered: Site Plan Approved and Alteration of Non-  
Conforming Use Granted with Conditions

Findings of Fact: 1. Petitioner proposes to construct a two  
bedroom single family dwelling on the property of approximately  
1314 square feet..

2. There is presently a package store  
operating on the property. The package store is a grandfathered  
non-conforming use in what is a residential district. The present  
building is approximately 1,774 square feet and will continue to  
be used as a package store.

3. Petitioner submitted plans entitled  
"Chase Residence, 505 Bay Road, Hamilton, MA dated April 16,  
2002". These are the Final Plans on which this decision is based  
subject to modifications contained in this decision.

4. The lot contains approximately 20,398  
square feet and meets the minimum lot size for the zoning  
district. It is one of the largest lots in the neighborhood,  
however it is not subdividable.

5. The proposed dwelling meets all required setbacks and other dimensional requirements under the By-Law. The combined structures meet the lot coverage requirement under the By-Law.

6. The proposed dwelling will be owner occupied which will provide a degree of security for the business use.

7. The alteration of the non-conforming use will not detract from the neighborhood or derogate from the intent of the By-Law.

Conditions: 1. The dwelling must be owner occupied.

2. The area above the garage may be used only for personal residential storage and may not be used as a bedroom.

3. The existing trees along the west side property line (Pendleton property) must be maintained and care taken during construction of the foundation and patio.

4. Six 10-12 foot evergreens must be planted along the west side property line prior to issuance of a certificate of occupancy.

5. The sketch submitted and dated 6/11/02 showing the compressors, ice machines, recycling bins, evergreens and fence will be used for reference in locating these items. The evergreens shall be placed so as to screen the machinery and bins.

6. No dumpster will be allowed on the property except for use during construction of the residence.

7. The dwelling must meet all required setbacks in the Zoning By-Law. *Foundation As-Built Required.*

8. The residence must remain a single family residence.

9. There may be no future expansion of the structures, business or residential, on the site.

10. There may be no expansion of the business use.

11. The residence, including the garage, may not be used for business storage.

12. In the future, the entire structure may be turned into a single family residence.

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THERESA M. FANNING  
H.M.  
JUL 22 11 14 AM '02

13. The grassy area at the corner of Bay Road and Margaret Road will remain as open space with similar planting. No additional business parking is allowed.

14. All exterior lighting on or around the structure will be turned off when the business is closed.

15. The two existing uplights illuminating the signage on the sides of the package store must be removed. They may be replaced with one low wattage downlight on either side of the building.

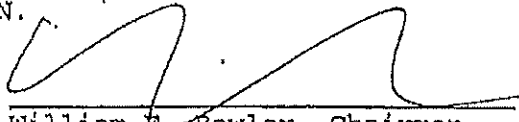
16. The deck shown on the Final Plan may not be constructed. A ground level patio with the same dimensions as the deck may be substituted.

Vote of Board:	William F. Bowler	In Favor
	Winifred Whitman	In Favor
	Beth Ganister	In Favor
	David R. Sullivan	Not Voting

Appeals: Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the filing of this Notice of Decision in the office of the Town Clerk of the Town of Hamilton.

Recording: Under Massachusetts General Laws, Chapter 40A, Section 11, no variance or grant of a special permit shall be valid until the same has been recorded with the Registry of Deeds. It is the responsibility of the petitioner to record a certified copy of any decision of the Zoning Board of Appeals granting a variance or special permit stating that the appeal period has lapsed and that there have been no appeals or that if any appeal has been filed that it has been dismissed or denied.

THE ACTION OF THE ZONING BOARD OF APPEALS DOES NOT WAIVE OR ALTER ANY OTHER PERMIT OR APPROVAL REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO THOSE OF THE BOARD OF HEALTH, THE BUILDING INSPECTOR AND THE CONSERVATION COMMISSION.

  
William F. Bowler, Chairman

Date: 7/20/02

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TOWN CLERK'S OFFICE  
THERESA E. FARMING  
HAMILTON, MASS.  
JUL 22 11 14 AM '02

Return To:  
E. James Krueger  
Registry Box 50



2002102800760 Bk:19488 Pg:360  
10/28/2002 14:04:00 OTHER Pg 3/3

TOWN OF HAMILTON  
TOWN HALL  
HAMILTON, MASSACHUSETTS 01936  
978-468-5570

October 21, 2002

Lawrence R. Chase  
505 Bay Road  
Hamilton, MA 01982

Re: Notice of Decision No 17 of 2002  
Site Plan Approved and Alteration of Non-Conforming Use  
Granted with Conditions

I here by certify that 20 days have elapsed from the date this decision was filed and that  
no appeal has been filed in this office.

ATTEST:

A handwritten signature in cursive script that reads "Theresa M. Fanning".

Theresa M. Fanning  
Town Clerk



July 8, 2025

Map 57 Lot 111

**TOWN OF HAMILTON**  
**Zoning Board of Appeals**  
**CERTIFICATE OF PARTIES IN INTEREST**

Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, the undersigned Assessor of the Town of Hamilton, hereby certifies that the names and addresses appearing on the list appended hereto are those of the:

- (a) abutters 100'
- (b) owners of land directly opposite on any public or private street or way
- X (c) owners of land within 300' of the property line of the property at:

505 Bay Road

So. Hamilton

Dated July 8, 2025

Prepared by Assessor's Office of the Town of Hamilton.

Jane Dooley

Director of Assessing



## 300 feet Abutters List Report

Hamilton, MA

July 08, 2025

### Subject Property:

Parcel Number: 57-0111  
CAMA Number: 57-000-0111  
Property Address: 505 BAY RD

Mailing Address: HARRIGAN'S HAMILTON PROP. LLC  
505 BAY ROAD  
HAMILTON, MA 01982

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### Abutters:

Parcel Number: 49-0001  
CAMA Number: 49-000-0001  
Property Address: 528 BAY RD

Mailing Address: LINKAS FAMILY REALTY TRUST LINKAS  
THOMAS & CYNTHIA TRUSTE  
528 BAY RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 49-0057  
CAMA Number: 49-000-0057  
Property Address: 522 BAY RD

Mailing Address: DOOLEY JAMES A CYNTHIA A TE  
PO BOX 435  
HAMILTON, MA 01936

Parcel Number: 57-0050  
CAMA Number: 57-000-0050  
Property Address: 37 CRESCENT RD

Mailing Address: SUTOLIFFE ELLEN C  
37 CRESCENT RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 57-0102  
CAMA Number: 57-000-0102  
Property Address: 25 MARGARET RD

Mailing Address: BERKLEY MICHAEL KEARNS JESSICA  
25 MARGARET ROAD  
SOUTH HAMILTON, MA 01982

Parcel Number: 57-0103  
CAMA Number: 57-000-0103  
Property Address: 21 MARGARET RD

Mailing Address: HUGHEN GEORGE S-ANNE R  
21 MARGARET RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 57-0104  
CAMA Number: 57-000-0104  
Property Address: 17 MARGARET RD

Mailing Address: LEEKLEY MARY ANN TRUSTEE  
17 MARGARET ROAD  
S. HAMILTON, MA 01982

Parcel Number: 57-0105  
CAMA Number: 57-000-0105  
Property Address: 7 MARGARET RD

Mailing Address: CONNOLLY CHRISTOPHER WHISKEY  
ACRES  
7 MARGARET RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 57-0106  
CAMA Number: 57-000-0106  
Property Address: 495 BAY RD

Mailing Address: DEAL MATTHEW S BANACOS BARBARA  
495 BAY RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 57-0107  
CAMA Number: 57-000-0107  
Property Address: 489 BAY RD

Mailing Address: MALOUF DAVID PEEK HOLLY  
489 BAY RD  
HAMILTON, MA 01982

Parcel Number: 57-0108  
CAMA Number: 57-000-0108  
Property Address: 483 BAY RD

Mailing Address: DUNBAR MATTHEW & KERRY E.  
483 BAY RD  
SOUTH HAMILTON, MA 01982



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7/8/2025

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Abutters List Report - Hamilton, MA

BERKLEY MICHAEL  
KEARNS JESSICA  
25 MARGARET ROAD  
SOUTH HAMILTON, MA 01982

HUGHEN GEORGE S-ANNE R  
21 MARGARET RD  
SOUTH HAMILTON, MA 01982

SOLEIMANI MACK  
SHELBY  
8 MARGARET RD  
SOUTH HAMILTON, MA 01982

BOTTOMLEY ROSEMARIE K  
PO BOX 369  
HAMILTON, MA 01936

HUGHES FRANCIS J  
10 TREMONT ST 3RD FLOOR  
BOSTON, MA 02108

SULAJ ERALDO  
SULAJ FATMA  
34 CRESCENT RD  
SOUTH HAMILTON, MA 01982

BURNSIDE CHARLES  
523 BAY ROAD  
HAMILTON, MA 01982

LAUZE GREGORY S.  
LAUZE KRISTEN M.  
484 BAY ROAD  
HAMILTON, MA 01982

SUTCLIFFE ELLEN C  
37 CRESCENT RD  
SOUTH HAMILTON, MA 01982

CONNOLLY CHRISTOPHER  
WHISKEY ACRES  
7 MARGARET RD  
SOUTH HAMILTON, MA 01982

LEEKLEY MARY ANN  
TRUSTEE  
17 MARGARET ROAD  
S. HAMILTON, MA 01982

VELDRAN GRIFFIN T  
STROUSS CAROLINE  
10 CRESCENT RD  
SOUTH HAMILTON, MA 01982

COONS TAYLOR M.  
BRALEY CHRISTOPHER L.  
30 CRESCENT RD  
SOUTH HAMILTON, MA 01982

LINKAS FAMILY REALTY TRUS  
LINKAS THOMAS & CYNTHIA T  
528 BAY RD  
SOUTH HAMILTON, MA 01982

WETTERNECK MATTHEW K-HEAT  
22 MARGARET RD  
SOUTH HAMILTON, MA 01982

COYLE JAMES  
MCERNAN-COYLE TARA  
12 MARGARET RD  
SOUTH HAMILTON, MA 01982

MALOUF DAVID  
PEEK HOLLY  
489 BAY RD  
HAMILTON, MA 01982

WOLFSON MATTHEW  
WOLFSON MARGARET  
40 CRESCENT RD  
SOUTH HAMILTON, MA 01982

DEAL MATTHEW S  
BANACOS BARBARA  
495 BAY RD  
SOUTH HAMILTON, MA 01982

ORO RONALD W  
JUDITH L TRUSTEES  
517 BAY RD  
SOUTH HAMILTON, MA 01982

DOOLEY JAMES A  
CYNTHIA A TE  
PO BOX 435  
HAMILTON, MA 01936

PARKER SARAH  
SARGENT ERIC  
4 CRESCENT RD  
SOUTH HAMILTON, MA 01982

DUNBAR MATTHEW & KERRY E.  
483 BAY RD  
SOUTH HAMILTON, MA 01982

ROY CHRISTOPHER  
ROY GABRIELLE  
16 CRESCENT RD  
SOUTH HAMILTON, MA 01982

ECONOMO CHRISTOPHER J  
509 BAY RD  
SOUTH HAMILTON, MA 01982

SHAMSHAK THOMAS P JR  
18 CRESCENT RD  
S HAMILTON, MA 01982



## 300 feet Abutters List Report

Hamilton, MA  
July 08, 2025

Parcel Number: 57-0122  
CAMA Number: 57-000-0122  
Property Address: 523 BAY RD

Mailing Address: BURNSIDE CHARLES  
523 BAY ROAD  
HAMILTON, MA 01982

Parcel Number: 57-0123  
CAMA Number: 57-000-0123  
Property Address: 517 BAY RD

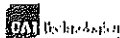
Mailing Address: ORO RONALD W JUDITH L TRUSTEES  
517 BAY RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 57-0124  
CAMA Number: 57-000-0124  
Property Address: 509 BAY RD

Mailing Address: ECONOMO CHRISTOPHER J  
509 BAY RD  
SOUTH HAMILTON, MA 01982

Parcel Number: 57-0131  
CAMA Number: 57-000-0131  
Property Address: 484 BAY RD

Mailing Address: LAUZE GREGORY S. LAUZE KRISTEN M.  
484 BAY ROAD  
HAMILTON, MA 01982



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7/8/2025

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Abutters List Report - Hamilton, MA