

August 21, 2025

To: Hamilton Zoning Board of Appeals
577 Bay Road
Hamilton, MA 01936

Re: Conditional Support – ZBA Application by Harrigans Hamilton Property LLC (505 Bay Road)

Dear Chair Gingrich and Members of the Board:

We are both notified abutters of 505 Bay Road, with properties located directly on the opposite side of Bay Road from the subject parcel. We are writing in regard to the pending application by Harrigans Hamilton Property LLC to amend the 2002 Zoning Board of Appeals decision, specifically to remove the condition requiring that the on-site residential unit be owner-occupied.

We appreciate the Board's continued stewardship of the town's zoning integrity and offer this letter to express *conditional support* for a time-limited waiver, provided it is carefully structured, monitored, and revisited by the Board within a defined period.

Background and Importance of the Owner-Occupancy Requirement

In 2002, the ZBA approved the addition of a residential dwelling unit to the longstanding nonconforming liquor store use at this property. As part of that approval, the Board required that the unit be owner-occupied, a condition that was central to the finding that the mixed use would not be substantially more detrimental to the neighborhood than the prior use.

This requirement offered assurance that the owner would maintain a presence on site, reducing the risk of absentee management and preserving compatibility with the residential character of the area.

Observations Regarding Current Ownership

To our knowledge, the current owner has not used the residential unit as a primary residence since purchasing the property in 2021. While it appears that the residential unit is currently occupied by responsible tenants, the absence of an owner on-site reduces the day-to-day oversight and accountability that were fundamental to the original approval.

We recognize that the current owner has made an effort to maintain the property in a generally responsible manner. However, the long-term impact of eliminating the owner-occupancy

requirement remains uncertain, particularly as property ownership and tenancy may change over time.

A Proposal for a Limited Waiver

In light of the above, we are not opposed to a carefully limited waiver of the owner-occupancy requirement, but we believe the following structure is necessary:

- A temporary waiver of the owner-occupancy condition, limited to a period of two years;
- At the conclusion of that period, the matter must be brought back before the ZBA for reconsideration;
- The waiver should be non-transferable, and automatically expire upon sale or transfer of the property;
- During the waiver period, any violations of zoning conditions or substantial complaints from abutters should trigger immediate review by the Board.

This framework allows the ZBA to assess the owner's continued performance under a formal review process while protecting the neighborhood from long-term consequences of a permanent change.

Conclusion

The long-standing coexistence of the nonconforming use within a residential area has depended on clear, enforceable conditions, including the requirement that the attached residence be owner-occupied.

We believe a limited, time-bound waiver, not a permanent change, best balances the interests of the property owner and the neighborhood. We respectfully request that the Board structure any relief accordingly.

Sincerely,

James & Cynthia Dooley Trustees
522 Bay Road
South Hamilton, MA 01982

Francis J. Hughes
514 Bay Road
South Hamilton, MA 01982