



Town of Hamilton
Zoning Board of Appeals
Meeting Minutes of June 4, 2025

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Zoning Board of Appeals members, a meeting of the Hamilton Zoning Board of Appeals was posted for June 4, 2025 at 7pm. This meeting was held remotely via zoom.

Call to order: *With a quorum present, Chair Gingrich called the Zoning Board of Appeals meeting to order at 7:00 PM, identified the meeting was being recorded and those present:* Bruce Gingrich (Chair), Michael Madden (alternate), Andrea Philip. Not present: David Perinchief, Steven Derocher. Others Present: Mark Connors, Director of Planning.

CONTINUATION OF A PUBLIC HEARING FROM MAY 7, 2025:

For property located 186 Echo Cove Road, Assessor's Map 60, Lot 21, owned by Mary Monahan. The applicant, Dan Kowalski, is seeking a Dimensional Variance under Section 4.0 Dimensional and Density Regulations of the Hamilton Zoning Bylaw, in order to construct a new single-family residence that partially encroaches into the side setback (Minimum Side Yard) area.

D.Kowalski appeared representing the homeowner, who is his mother-in-law. He noted he appeared at the previous meeting and he is back after doing some additional research with a revised application. He previously requested a variance, with a plan to place the house 5 feet from the public way next to his property. Now the plan is to locate the house 15 feet from the side setback, therefore, he is instead, requesting a special permit. He is also correcting an existing side setback non-conformity. D. Kowalski said he researched Echo Cove Rd., which was accepted at the 1983 Town Meeting. He claimed the 20 foot way between his house and the next-door house is not a public way and referred to Echo Cove Rd. as a hybrid street, with many different house styles and showed a site plan and explained the measurements from the street and setbacks. He also had photos of 255 Echo Cove Rd., as a comparison to what he plans to build as well as a house on Gregory Island Rd., as a comparison.

Design plans for the proposed house were presented and included the planned septic system for a 3 bedroom house; D.Kowalski stated that the septic inspector was fine with the plan. Chair Gingrich pointed out that the plan includes roughly 9 rooms, which she believed to be much larger than the minimum required bedroom size and would require a larger system in accordance with the formula. D.Kowalski noted there were two offices with no closets.

- **Kelly Faulkner**, 175 Echo Cove Rd, commented that the scale of this new plan alters the character of the road. She believes the comparisons made to other homes in the area are misaligned and rely on fundamentally different contexts, which limits the validity of the conclusions made. She urged the board to verify the information presented if relying on it in decision making process.
- **Jerry Zullo**, 187 Echo Cove Rd did not think it was a fair evaluation to compare the elevation of various houses on the street, and he encouraged the Board to come and view the street themselves. He also noted the street is very narrow, and two cars going in different directions can not pass each other, one has to pull over for the other to pass; that is how space constrained the road is.

D.Kowalski noted he is requesting a special permit of the increase in the structure size on a non-conforming lot. Chair Gingrich believed everything looked in according to the bylaws, except the lot size is half of what is required.

D.Kowalski expressed his frustration with Town procedures, stating he spent money on the previous plan and now this new plan, and is not even sure why he is required to be in front of the ZBA. M.Connors clarified the structure is non-conforming and the owner needs relief from that through a special permit. Chair Gingrich read the relevant section from the bylaw and explained ZBA approval is needed because the current structure is being voluntarily removed and rebuilt: *the ZBA may by finding, allow such change where it determines that the proposed modification will not be substantially more detrimental than the existing non-conforming structure to the neighborhood.*

D.Kowalski stated he did not see how his house could be detrimental to the neighborhood given there are other very similar houses in the area.

- **J.Zullo**, 186 Echo Cove Rd., believed the plan to be detrimental to the neighborhood and takes away from the neighborhood itself citing it would obstruct the water views from across the street, and the proportion of the

house to the size a lot is problematic. He did not believe it was “right” to put a house on a lot that's not made for it, and referenced the proposed house is over 2200 square feet.

- K.Faulkner, 175 Echo Cove, observed the size of the structure is increasing by at least 300%, and the character of the street is a subjective measure, but Gregory Island Rd is noticeably different.

A.Phillips explained the Board understood both sides of the discussion, but the plan meets all of the requirements of the Town, and there does not appear to be an issue to warrant denying the special permit.

Vote: *The Board voted unanimously by roll call to approve a special permit for 186 Echo Cove Rd. under bylaw section 5.5.13, with the condition that the footprint will not change, and if the Conservation Commission requires changes and the building inspector deems it necessary, then the application will have to return to the ZBA for review.*

REGULAR BUSINESS:

- **Review of meeting minutes**
- **Updates from the Chair**

Adjournment: ***Vote:*** *The Zoning Board of Appeals voted unanimously by roll call to adjourn at approximately 8:30PM.*

Documents:

- [Draft Meeting Minutes May 7, 2025](#)
- [Amended Agenda 06-04-2025 Zoom Only](#)
- [Continuation of Public Hearing Notice – 186 Echo Cove Road](#)
- [186 Echo Road Special Permit Application submitted on Friday, May 30, 2025](#)
- [186 Echo Cove Road Proposed Plot Plan submitted to ZBA office on Friday, May 30, 2025](#)
- [186 Echo Cove Road Architectural Design submitted on Friday, May 30, 2025](#)
- [Approved Site Plan – approved at ZBA Meeting on June 4, 2025](#)

*Respectfully submitted by D. Pierotti, Recording Secretary, 6/7/25.
The minutes were prepared from video.*