Town of Hamilton

Zoning Board of Appeals

Meeting Minutes of July 10, 2024

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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 July 10, 2024 at 7pm. This meeting was held 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), Steven Derocher, Andrea Philip, Michael Madden. Not present: David Perinchief. Others Present: Patrick Reffett, Director of Planning and Inspectional Services, and others as noted.

**CONTINUATION OF A PUBLIC HEARING**: **The application is for the property owned by David & Ashley Forster for the property located at 68 Union Street, Assessor’s Map 55, Lot 213. Applicants are seeking a Finding under Zoning Bylaw Sec. 5.3.4.5 for Dimensional Relief for side & front yard set-back requirements on a lot with double frontage in order to connect garage to house & create living space (bedroom, bath, hall), and a Variance under Sec. 4: Dimensional & Density Regulations, for lot coverage; current 23.6%, proposed 27.7%.**

The applicants did not appear for the meeting. Chair Gingrich explained that the applicants were asked to revise their application, and the Town has not heard from them since. The options are to deny the project, or to close the project without prejudice. M.Madden mentioned according to records he found online, the property was sold in June.

***Vote****: The Board voted unanimously by roll call to dismiss the application for 68 Union St. without prejudice.*

**CONTINUATION OF A PUBLIC HEARING**: **The application is for a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20 – 23, for a portion of the property at 133 Essex Street, Assessor’s Map 65, Lot 01, submitted by Chebacco Hill Capital Partners, LLC. The applicant seeks authorization to construct fifty-nine mixed income age restricted residential for sale units in thirty-two buildings.**

Lisa Mead of Mead, Talerman & Costa was present on behalf of Chebacco Hill Capital Partners to present the request to withdraw the application without prejudice. She explained that the ZBA invoked safe harbor, the applicant appealed the decision, and the safe harbor was upheld by the state. Subsequently, the applicant wishes to withdraw the application without prejudice. Town Counsel Amy Kwessel explained that the ZBA had to vote to accept the request to withdraw the application.

***Vote****: The Board voted unanimously by roll call to accept the request to withdraw the application for the property at 133 Essex St. without prejudice.*

**Regular Business:**

• **Draft Meeting Minutes Review –** the minutes were held for review.

**Adjournment: *Vote****: The Zoning Board of Appeals voted unanimously by roll call to adjourn at 7:10PM.*

**Documents:**

* [06-05-2024 Draft Minutes](https://hamiltonma.gov/wp-content/uploads/2021/11/06-05-2024-Draft-Minutes.pdf)
* [07-10-2024 Agenda](https://hamiltonma.gov/wp-content/uploads/2021/11/07-10-2024-Agenda.pdf)
* [Decision from the Executive Office of Housing & Livable Communities – June 13, 2024](https://hamiltonma.gov/wp-content/uploads/2024/06/EXECUTIVE-OFFICE-OF-HOUSING-LOVABLE-COMMUNITIES-DECISION-DATED-JUNE-13-2024.pdf)
* [133 Essex Street – Chebacco Woods – Withdrawal Request – Executed 6-20-2024](https://hamiltonma.gov/wp-content/uploads/2024/06/Chebacco-Withdrawal-Request-Executed-6.20.2024.pdf)

*Respectfully submitted by D. Pierotti, Recording Secretary, 7/13/24.*

*The minutes were prepared from video.*