

Town of Hamilton Zoning Board of Appeals  
Town Hall  
577 Bay Road  
P.O. Box 429  
Hamilton, MA 01936

**RE: 3 Beech Street Amend/Appeal**

October 27, 2022

Dear Members of the Board:

We have been residents of Hamilton and the owners of 37 Beech Street Extension for 37+ years. During that time, we have enjoyed friendly and neighborly relationships with many of the residents of both Beech Street and Beech Street Extension. As this area of Chebacco Lake was historically comprised of summer-only cottages, our immediate neighborhood has a number of non-traditional lots and dwellings. This makes for close quarters in terms of property lines and increases emphasis on everyone's privacy.

We share a property line with Mr. Mimmo for a distance of nearly 50 feet. Upon moving in to 3 Beech Street, and without any discussion or advanced notice, Mr. Mimmo installed a 6-foot stockade fence that was two feet within our property. At our request, and citing our clearly marked property line, he moved the fence back by 6 inches. Although the fence was clearly still on our property, Mr. Mimmo argued with us over the property line until we paid for a surveyor to reinforce our already clearly marked property line. The fence was eventually moved back an additional 18 inches to finally be within Mr. Mimmo's property. Property disputes have continued with his other neighbors over the course of the past five-plus years. We share this as evidence of Mr. Mimmo's pattern of behavior.

Mr. Mimmo was originally granted permission for a one-story addition to the back of his existing home. This "one-story" request is deceiving because the "basement" to this addition is above-grade with a ceiling height of 8'8" (per his latest drawings). In total, the permitted "basement" plus one-story addition would stand at a height of 20'8", the approximate height of a standard two-stories.

We have been involved in these ZBA hearings because, instead of constructing what he had been given permission to build, Mr. Mimmo attempted to build a three-story addition (on top of the above-grade basement) *without* permission, until he was issued a cease and desist order.

Although requested by the ZBA at numerous public hearings, Mr. Mimmo has repeatedly avoided supplying clear, detailed, complete plans for his proposed addition. Instead, each set of drawings have been vague and different from those previously submitted. Some drawings have identified areas as "offices" or "open space", while others have listed these same areas as "bedrooms". None of the plans have specified what is proposed for the existing dwelling once the current kitchen, livingroom, and two bedrooms are relocated to the addition. None of the submitted drawings have included mention of the mother-in-law's bedroom which we know was built in the existing basement.

In his latest set of plans, Mr. Mimmo is now requesting permission to build a two-story addition that will rise to a height of over 30 feet, including the roof. This new proposal will create a massive

structure of 47 feet in length by 30 feet in height, for a total of over 1,400 square feet. With his non-conforming setback of only 9 feet from the property line, this wall would loom over our property. Additionally, the proposed flat roof raises the distinct possibility of Mr. Mimmo creating a roof-top deck space that will be a further detriment to our privacy and enjoyment of our property.

Mr. Mimmo has cleared his property of the majority of its trees, grass and plantings and has paved/graveled the entire frontage of his property. There he parks multiple (4-5) vehicles, trailers, a boat/trailer, and a large RV. He has posted signs reading Slow Down, Only You Can Prevent Speed Bumps, No Trespassing, Private Property, and You Are Under Video Surveillance along the street. He has installed high-wattage, motion-sensitive lighting around his home that shines directly onto our property. He has installed cameras and video cameras at various places around his home, all of them pointed at our and the neighbors' property.

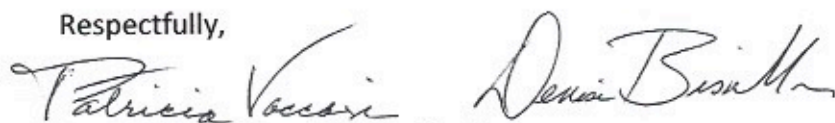
As noted above, property lines and privacy have repeatedly been ignored and/or challenged by Mr. Mimmo. This pattern has been ongoing and relentless. Now, with the proposed addition, our privacy and the enjoyment of our property will be significantly damaged.

In summary, as facing abutters to 3 Beech Street (the street-side/front of our residence faces the side of the Mimmo property) we have a number of issues with Mr. Mimmo's latest proposal for a two-story addition:

1. It is massively out-of-proportion to the existing dwelling at 3 Beech Street
2. With a non-conforming setback of only 9 feet, it will run for 47 feet along our property line and loom above our yard to a height of 30 feet
3. It is out of character with the rest of the neighborhood residences
4. It does not conform with the building bylaws of the town in terms of building-to-land ratio and limitation of non-conforming buildout
5. It will be detrimental to the neighborhood, due to all of the above
6. It will compromise our privacy, reduce enjoyment of our property, and decrease the value of our property, due to all of the above

We request that the Board dismiss Mr. Mimmo's latest proposal for a two-story (plus above-grade basement) addition, and instead limit his addition to the original one-story. If the zoning bylaws and building rules of the town matter, then our property rights as protected by these same bylaws and rules should also matter.

Respectfully,



Patricia Vaccari and Denise Bisailon  
37 Beech Street Extension