



Town of Hamilton Building Department
577 Bay Road, Hamilton, MA 01936

MEMORANDUM

To: ZBA Members & Patrick Reffett
From: Richard Maloney *RM*
Date: September 3, 2024
Re: ZONING CASES – September 4, 2024

20 Rust Street – Finding - The applicant seeks a Finding under section 5.3.4.5 to remove existing deck and replace with a 1 story addition. The addition will maintain the existing non-conforming setback of 7.7’

75 Lake Shore Avenue – Special Permit – The applicant is seeking a Special Permit under section 5.5.1.3 to demolish an existing non-conforming accessory structure and rebuild bigger than the original footprint.

***Note:** I met with the applicant prior to the submission of this application and erroneously agreed it was a Finding, putting this memo together I realized the mistake. The Special Permit requires a unanimous vote of the Board versus a simple majority (2 of 3 votes) for the Finding.

22 Elliott Street – Finding - The applicant seeks a Finding under section 5.3.4.5 to expand existing deck to line up with the house on the left side, the deck will maintain the existing non-conforming setback of 8.9’.

85 Woodland Mead – Special Permit – The applicant is seeking a Special Permit under Section 3.6 for an Accessory Apartment (detached). The request seems excessive. The bylaw limits the Accessory Apartment to 900sf. The definition from Section 11 of the Bylaw states “**Gross Floor Area, Residential:** The area of a residential structure used for living space, excluding basements and attic area”, the applicant has not

included the entry way in the calculations of the total square feet. The definition doesn't specifically exclude garage space as it does basements and attics.

Detached Accessory Apartments previously approved by the Board:

1. 33 Berrywood Lane (2018) – 580 square feet, no attic, partial basement, no garage space.
2. 102 Chebacco Road (2020) – 800 square feet, no basement, attic, or garage space.
3. 175 Willow Street (2020) – 600 square feet, no basement or attic, 2 car garage below.
4. 16 Blueberry Lane (2023) – 850 square feet, no basement or attic, built above existing 2 car garage.

A footnote to this is that a new housing bill has passed that allows Accessory Apartments by right on all single family lots, the Town has to enact reasonable regulations to govern the by-right units by February 2, 2025.