



Town of Hamilton
Zoning Board of Appeals
Meeting Minutes of September 4, 2024

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Zoning Board members, a meeting of the Hamilton Zoning Board of Appeals was posted for September 4, 2024 at 7pm. This meeting was held via Zoom only.

Call to order: *With a quorum present, S.Derocher called the Zoning Board of Appeals meeting to order at 7:00 PM, identified the meeting was being recorded and those present:* Steven Derocher, David Perinchief, Andrea Philip (via zoom), Michael Madden (alternate). Not present: Bruce Gingrich (Chair). Also present: Patrick Reffett, Director of Planning & Inspectional Services, and others as noted.

PUBLIC HEARING: The application is for the property located at 20 Rust Street, Assessor's Map 55, Lot 132A, in the R1A Zoning District, owned by Araz Havan. Applicant is seeking a Finding under Zoning Bylaw Section 5.3.4.5 for dimensional relief from side yard set-back requirements in order to demolish existing deck and build a 13' x 16' 6" one story addition.

The homeowner, Tim Navean, was present and spoke to the Board regarding the proposed project to demolish the deck and build a one-story addition that would allow them to add a bathroom. There were no questions regarding the project from the Board or from the public.

Vote: *The Board voted unanimously by roll call to approve the project for the property at 20 Rust Street.*

PUBLIC HEARING: The application is for the property located at 75 Lake Shore Avenue, Assessor's Map 66, Lot 128, R1A Zoning District. Owner Denise Kelly is seeking approval to demolish existing 12 x 15 structure to build a garage and approval for a Finding under Zoning Bylaw Section 5.3.4.5 for dimensional relief from side yard set-back requirements; proposed garage will encroach approx. 1' further.

Brian Stein, of Van Stein Architects, explained that a revised application was submitted that does not encroach any farther into the setbacks, largely in the same spot of the existing shed. They will extend the garage forward instead of back towards the lake. There were no questions from the Board or the public.

Vote: *The Board voted unanimously by roll call to approve the project and allow the construction at 75 Lake Shore Avenue.*

PUBLIC HEARING: The application is for the property located at 22 Elliott Street, Assessor's Map 55, Lot 69, R1A Zoning District. Owner Scott Regan is seeking approval for a Finding under Zoning Bylaw Section 5.3.4.5 for dimensional relief from side yard set-back requirements in order to expand existing deck - *Steven Desrocher recused himself from the discussion and passed the Chair role to D.Perinchief.*

Homeowner Scott Regan explained that they are looking to expand the 10x12' deck by bringing it out to the left to use the available space; this is a very small lot.

Vote: *The Board voted by roll call to allow the deck to be built at 22 Elliott Street. (S.Derocher did not vote.)*

PUBLIC HEARING: The application is for the property owned by Erika & Frank Tortorici for the property located at 85 Woodland Mead, Assessor's Map 47, Lot 224, Zoning District R1B. Applicants are seeking approval for a Special Permit, Zoning Bylaw 3.6 Accessory Apartment, to construct an 895 sq ft detached accessory dwelling unit with an attached one bay garage, storage shed, and two porches.

Homeowner Erika Tortorici clarified that the property is owned by her, not her and her father. Architect Ken Savoy presented the proposed project for a detached accessory apartment that he believed conformed to the Town bylaws. D.Perinchief questioned if it was intended as a full-time residence or as office space. The homeowner stated that the unit is for her parents to live in on her property. There was discussion about the square footage regulation, which only allows for 900 square feet of an accessory dwelling unit, and whether the garage and/or basement presents an issue. S.Derocher noted it is allowable under the bylaws. The stairs to the attic and the basement will be through the garage. The Board also explored whether the additional

spaces could be conditioned into living space, which would create a violation later. The architect assured the Board that it would not be workable.

- Rahcel Moore, 55 Porter St, is a direct abutter to the backside of the property. She asked for clarification about which laws are being applied, as she believes the plan does not meet the Town bylaws. She asked which part of Town bylaw 3.6.1 this project falls under.

S.Derocher read the bylaws and explained that he believes it could fall under the third provision of the Town bylaw, and that they could require a deed of sale to verify that the parents have sold their primary residence and then would meet the residence requirement. D.Perinchief articulated that the homeowners are within the setbacks and are within the bylaws that allow for accessory dwelling units. There was discussion regarding the use of trees, shrubs, or fencing to create a privacy screen between the accessory unit and the abutters on Porter St who are concerned about the project.

The Board agreed to condition the approval with the stipulation that the 75 square foot entryway cannot become habitable space.

Vote: The Board voted unanimously by roll call to approve the accessory dwelling unit with attached garage for the property at 85 Woodland Mead with the condition that the 75 square foot entryway is not habitable space..

Regular Business:

• Draft Meeting Minutes Review – June 5, 2024 & August 7, 2024

The Board deferred discussion of the minutes until Chair Gingrich is in attendance.

Adjournment: *Vote: The Zoning Board of Appeals voted unanimously by roll call to adjourn at 8:11PM.*

Documents:

- [06-05-24 Draft Minutes](#)
- [08-07-24 Draft Minutes](#)
- [September 24, 2024 – Memo for Board Members from Building Inspector](#)
- [20 Rust Street – Application](#)
- [20 Rust Street – Plans](#)
- [75 Lake Shore Avenue – Application](#)
- [75 Lake Shore Avenue – Plans](#)
- [75 Lake Shore Updated Plan Received 9-3-2024 due to Conservation Commission's recommendations](#)
- [Updated Plan following Conservation Commission Comments 9-3-24](#)
- [Support letter from neighbor Donovan for 75 Lake Shore Ave](#)
- [22 Elliott St – Application](#)
- [22 Elliott St – Plan](#)
- [85 Woodland Mead – Application](#)
- [85 Woodland Mead – Plans](#)
- [Comments from Board of Health – Septic](#)

Respectfully submitted by D. Pierotti, Recording Secretary, 9/9/24.

The minutes were prepared from video.