

**HAMILTON ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
December 1, 2021  
7:00 p.m.  
Zoom Meeting  
83638998875  
Passcode 950561  
Hybrid Meeting  
Hamilton Town Hall  
299 Bay Road, Hamilton, MA**

**Members Present:** Bill Bowler (Chairman), Bruce Gingrich, David Perinchief, and Andie Philip (alternate member via Zoom).

**Others Present:** Patrick Reffett.

This meeting was called to order at 7:00 pm with a quorum established.

**PUBLIC HEARINGS:**

**RELIEF FROM SIGN BY-LAW. 505 BAY ROAD HARRIGANS WINE AND SPIRITS. LARRY CHASE (OWNER) AND LAWRENCE JUDY (APPLICANT).**

Greg Soloney, one of the new owners at Harrigan's Liquors, was present to request having a 2' x 3' sandwich board to announce the property was open. The property had been sold to Harrigan's Hamilton Property LLC. The property was a grand-fathered non-conforming business use in the residential district. Businesses were allowed an A frame sign by special permit but no one in the Business District had applied for it to date. The sign would be 15' from the edge of the street and 8' from the building. The sign would be put out during the day and brought in either at dark or closing. The sign would not be illuminated. The sign could not be placed closer to the road than the walkway.

Motion made by David Perinchief to grant the special permit.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

**SPECIAL PERMIT FOR CONSTRUCTION OF A TEMPORARY LIVING AREA - A SINGLE STORY 24' X 22' ADDITION IN A SINGLE FAMILY DWELLING. 95 HOMESTEAD CIRCLE. SEAN AND LISA MCCARTHY.**

Jeff Horn was present to represent the homeowners. The proposal was for a small addition for an in-law apartment including one room and a bathroom. The Health Inspector said the existing four bedroom septic system was installed in 2001. Currently the house had three bedrooms so the proposal was in compliance with the Board of Health. Bill Bowler reviewed all the requirements of the By-law, which were met by the proposal. Mr. Bowler explained that the permit needed to be renewed every four years and that a kitchen could be installed but

must be removed when the family member no longer resided in the unit. When the property was sold, the new owners would need to return to the Board for a new approval. Patrick Reffett added that the Building Inspector opined that the application complied with the Zoning By-law.

Motion made by David Perinchief to grant the special permit for the conversion for temporary living areas with conditions listed in the By-law.

Bruce Gingrich seconded.

Vote: Unanimous in favor.

**EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE OR LOT. REMOVE EXISTING GARAGE, CONSTRUCT A GARAGE. EXTEND THE SECOND FLOOR AND FRONT PORCH AND CONSTRUCT A REAR DECK. 22 CUMMINGS AVE. BEN AND KAILEE WRIGHT.**

Brian Stein (BDS Design) was present to represent the applicant. Mr. Stein was also an abutter. Mr. Stein showed photos of the existing bungalow building. The proposal would remove a two car garage and replace it with a one car garage. A second floor would be created. The front porch would be larger. Mr. Stein explained that The house would be in keeping with the neighborhood. As a neighbor, Mr. Stein was fine with the proposal. The plan made the property more zoning compliant.

Motion made by David Perinchief to approve the request for the extension or alteration of a non-conforming use based on the plans submitted.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

**EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE, OR LOT. CONSTRUCT A SECOND STORY ADDITION. 28 HOME ST. GREGORY AND CAROLINE HORNER.**

Brian Stein was present to represent the applicants. The proposal would remove the existing side addition on the east side then construct a larger addition that did not encroach upon the property line. The existing bump out was 11' from the property line. The footprint would be kept but extended upward for a second floor. The 13.5' and 7.5' front set backs were the issue. The rear addition would not encroach further than the existing building.

Motion made by Bruce Gingrich to approve the extension of a non-conforming structure at 28 Home St.

David Perinchief seconded.

Vote: Unanimous in favor.

**EXTENSION OR ALTERATION OF A NON-CONFORMING USE, STRUCTURE, OR LOT. CONSTRUCT A TWO STORY ADDITION. 13 COTTAGE ST. PATRICK AND JEANNINE RYAN.**

Brian Stein was present to represent the applicant. Mr. Stein used a plan that assumed the worse-case scenario the plot plan was inconclusive. The back corner setback was currently 1.8' and the new back corner would be 2.1' from the back corner. The plan would increase the

living space on the small lot. As the lot was in the GPOD, Mr. Stein calculated that the impervious coverage would be less than the required 2,500 sf.

Motion made by Bruce Gingrich to grant the approval to the extension and non-conforming use for 13 Cottage St.

Seconded by David Perinchief.

Vote: unanimous in favor.

## **REGULAR BUSINESS**

### **Minutes**

Motion made by David Perinchief to approve the minutes of November 3, 2021.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

Patrick Reffett announced that the Project Eligibility Letter had been approved by the Department of Housing and Community Development for the 421 Asbury St. 40B project. The public would be notified regarding plans and future meetings.

### **DOCUMENTS REVIEWED.**

95 Homestead Circle. Plot plan and architectural plan.

22 Cummings Ave. Photos, existing plans, and proposed plans.

28 Home St. Plans and photos.

13 Cottage St. Plans and photos

### **ADJOURNMENT**

Motion made by Bruce Gingrich to adjourn at 7:44.

Seconded by David Perinchief.

Vote: Unanimous in favor.

Respectfully submitted as approved at the \_\_\_\_\_ meeting.

Bill Bowler