

**HAMILTON ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING**  
**February 2, 2022**

**Members Present:** Bill Bowler (Chairman), Bruce Gingrich, David Perinchief  
Steven Derocher(Alternate Member), Andie Philip (Alternate Member)

**Members Not Present:**

**Others Present:** Patrick Reffett, Director of Planning & Inspectional Services

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

**PUBLIC HEARINGS**

**652 Asbury Street**

The SPECIAL PERMIT APPLICATION IS SEEKING RELIEF FROM ZONING BYLAW SECTION 3: USE REGULATIONS, TO CONSTRUCT A 30' X 60' BARN. THE PROPERTY IS LOCATED AT 652 ASBURY STREET, ASSESSOR'S MAP 19, LOT 5. OWNER IS 25 BUTTERFIELD LLC, APPLICANT, REPRESENTING OWNER, JOHN MACHAUD

A copy of the site plan was discussed. Mr. Michaud noted that the house behind this property was Rock Edge house. The existing house would be demolished and a new house would be constructed later but the applicant hoped to build a barn first to store construction material. Mr. Michaud noted that the two-level barn would be in keeping with the regional vernacular of Hamilton.

The plan also showed the two existing garages. The smaller garage near the house on the north side would be taken down.

According to John Michaud, the barn would have electricity and likely a wash stall, toilet, and sink, which required water access. There would be no living space in the barn. There would be three entrances, one on each side of the barn and an overhead door to drive lawn tractors and equipment on the property for maintenance. The overhead door on the back side would face the river opposite of Asbury St. The west side would require extensive excavation and ledge would likely need to be removed. Concrete walls and plank floors would be included in the post and beam construction.

Even though the owners owned both properties (separate lots) they would need to meet side yard setback requirements. The property also abuts the Patton Homestead, which was owned by the Town of Hamilton.

The Table of Uses allowed for a four vehicle garage but the proposal was for a six vehicle garage. According to the application, the applicant was seeking approval of a barn that would allow six vehicles. John Michaud said the proposal was for a barn to be used as a stable that would also store farm equipment. Members discussed that in accordance with Section 3.2.2 of the Zoning By-law, a barn would need to be at least 50' from the property line in all residential districts, including R1a, R1b, and RA. Mr. Michaud noted that the homeowners wanted to keep the barn a reasonable distance from their home site. Mr. Michaud said the topography of the

land between the house and barn had a swale but 15' north was flat (elevation 114). Bill Bowler opined that if the house were to be demolished and the barn moved it could accommodate the 50' setback. Members discussed that a hardship would be needed for a variance and it would be easy to redesign the proposal to move the barn 15' further away from the set back.

Bill Bowler suggested continuing the public hearing until the March meeting to determine if the clients wanted to move the barn to accommodate the 50' setback. A letter would be filed if there was a withdrawal of the application. It was noted that the Town had a real interest regarding the Patton property in the hopes of making it a usable public oriented space.

### 821 Bay Road

THE SPECIAL PERMIT APPLICATION SEEKING RELIEF FROM ZONING BYLAW 5.5 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION: SECTION 5.5.1.3, IN ORDER TO RAZE THE EXISTING SINGLE FAMILY DWELLING DUE TO CONDITION AND CONSTRUCT A 2,500 SF DWELLING WITH A 3 CAR ATTACHED GARAGE. OWNER IS ANNE GERO AND REPRESENTING THE OWNER, APPLICANT BRIAN STEIN

Bill Bowler announced that the applicant had submitted a letter to the Board requesting the Board approves the withdrawal of the application without prejudice. Bill further explained that research done by the Building Commissioner found a 1976 variance had been granted which would allow the proposed work to be done without further approval and Bill said the Public Hearing had not been opened so a vote was not required.

### 509 Bridge St. Variance from dimensional and density regulations (set back) to construct a barn. Antonio and Linda Bevilacqua.

Antonio Bevilacqua described his site, the shared gravel driveway, and the existing garage on his neighbor's property. The existing garage was on the property line and Mr. Bevilacqua was proposing to construct a barn away from the other features. The existing dwelling was 6' from the property line and the neighbor's barn was 16' from the property line. Mr. Bevilacqua was proposing to construct his barn 16' from the property line by seeking a 4' variance. The Building Inspector had sent a memo stating the setback needed to be 20' due to the height of the accessory structure. The lot was non-conforming and structures created a crowded location. A letter from the resident at Parcel 31 supported a similar project on the site.

David Perinchief said he did not have a problem with the application and Bill Bowler noted that he thought that under the circumstances, an approval was defensible.

Motion made by David Perinchief to grant the variance for the side setback.

Bruce Gingrich seconded based on the fact that buildings on other properties were over the 16' setback requirements

Roll Call Vote: Bruce Gingrich – aye. David Perinchief – aye, and Bill Bowler – aye. Unanimous in favor.

### REGULAR BUSINESS

#### Minutes

Motion made by Bruce Gingrich to approve the minutes of January 5, 2022.

Seconded by Andie Philp.

Roll Call Vote: Bruce Gingrich - aye, Andie Philip - aye, Bill Bowler – aye. Unanimous in favor.

### DOCUMENTS REVIEWED.

652 Asbury St. Site Plan and Elevations.

509 Bridge St. Site Plan, letter from the Building Inspector, letter from resident at Parcel 31.

**ADJOURNMENT**

Motion made by David Perinchief to adjourn at 7:55 pm.

Seconded by Bruce Gingrich.

Roll Call Vote: Bruce Gingrich – aye, David Perinchief – aye, and Bill Bowler – aye. Unanimous in favor.

Respectfully submitted as approved at the MARCH 2, 2022, meeting.

Bill Bowler