

3 BEECH STREET APPLICATION

NOTICE OF PUBLIC HEARING

TOWN OF HAMILTON – ZONING BOARD OF APPEALS

The Town of Hamilton Zoning Board of Appeals will hold a Public Hearing on Wednesday, September 7, 2022, at 7:00 pm, at Town Hall, 577 Bay Road, Memorial Room, and via Zoom, for the property located at 3 Beech Street, Assessor's Map 66, Lot 3AA, owner Eric Mimmo. Applicant is asking approval to amend a 2021 ZBA Decision which approved an extension or alteration of a non-conforming use to construct an addition at the rear of the existing single family dwelling so that two additional stories may be constructed on the addition and to appeal the Town of Hamilton Building Inspector's Decision which issued a Cease and Desist Order. Copies of the applications are available for review by contacting the Building Department. Zoom details will be available when agenda is posted on the Town web site: hamiltonma.gov.

William Bowler, Chair

TOWN OF HAMILTON
ZONING BOARD OF APPEALS

APPLICATION FOR ZONING BOARD OF APPEALS HEARING
To be completed by all Applicants

RECEIVED
TOWN CLERK
HAMILTON, MA

2022 AUG -4 PM 1: 18

Date Submitted:

Applicant Name: Eric Mimmo Phone: 617-435-3919

Applicant Address: 3 Beech Street South Hamilton MA 01982

Applicant respectfully petitions the Board of Appeal for the following:

That he/she is seeking (check all that apply):

- Variance: (State Type)
- Extension or Alteration of a Non-Conforming Use, Structure, or Lot Amendment
- Site Plan Review
- Abbreviated Site Plan Review
- Special Permit: (State Type)
- Appeal of Decision of the Building Inspector
- Conversion for Temporary Living Area
- Comprehensive Permit
- Other:

Address of Property if different from Applicant Address above:

Owner of property if different from Applicant noted above:

Note: If not the owner of the property, applicant must provide proof they are either the holder of a written option to purchase the property (or) verification they have authority to act on behalf of the owner of the property.

Zoning District: R1A

Existing Lot Size: 13650sf

State Briefly what structures are on the property:

Existing dwelling + Shed

State in detail what the petitioner desires to do at said subject property:

21.6" x 47 3 Story Addition

State whether any petition as to the said premises has been submitted to this Board within the last five years. If so, give details:

yes December 2, 2020

Applied for Addition

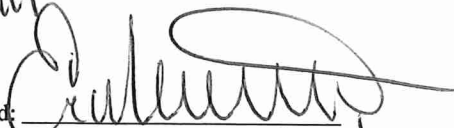
State if any Building Permit has been granted to said premises within the past two years. If yes, give details:

Yes have a Full Building Permit Issued for Project

Signed:

Address:

Phone:



3 Beech Street
South Hamilton MA 01982

617-435-3919



TOWN OF HAMILTON
ZONING BOARD OF APPEALS

REQUEST FOR FINDINGS OF FACT
EXTENSION OR ALTERATION OF A NON-CONFORMING USE

Date Submitted: _____

Applicant Name: Eric Mimmo

Non-Conforming Property Located at: 3 Beech Street

Note the Existing Non-Conformity (check all that apply):

- Lot Size
- Front Yard Setback
- Side Yard Setback
- Rear Yard Setback
- Lot Coverage
- Property/Building Use
- Other: _____

Will the proposed extension or alteration meet current zoning requirements:

- Yes
- No: State non-compliance of extension/alteration

The proposed addition will be less than the required side setback requirement

Will the proposed extension or alteration further encroach on the existing non-conformity

- Yes: State further encroachment

- No

Applicant shall state that the extension or alteration reflects the nature and purpose of the previous use (or) that the extension or alteration is no different in kind in its effect on the neighborhood as compared with the previous use, for the following reasons:

The proposed addition reflects the nature of the dwelling existing use. It is an extension of the basement level of the dwelling and will be used for residential purposes.

Applicant shall state that the extension or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure for the following reasons:

The elevation is going to match the abutters elevation and therefore will not be detrimental to the neighborhood

Signed: Eric Mimmo

Address: 3 Beech Street

South Hamilton MA 01982

Phone: 617-435-3919

APPLICATION CHECK SHEET
HAMILTON ZONING BOARD OF APPEALS

EXTENSION OR ALTERATION OF NON-CONFORMING USE

8 copies of all Materials. Refer to Instruction Sheet.
Section of the Zoning By-Law covering desired Board action(s)

S.3.1

Existing Non-Conformity – Check all that apply

- Lot size
- Lot coverage
- Side yard setback
- Front yard setback
- Rear yard setback
- Frontage
- Other. Specify. _____

Extension/Alteration of a single or 2-family residential structure is allowed as a matter of right if the extension or alteration meets either of the following:

- Existing structure is on a conforming lot but is non-conforming because it encroaches on a setback. The proposed alteration or extension will not change the setbacks that fail to conform. The entire structure meets all other requirements of the by-law.
- Existing structure is non-conforming solely because it is located on a lot which is non-conforming as to size and/or frontage as a result of a zoning change. Existing structure and alteration/extension meet all other current requirements of the zoning by-law (setbacks, height, lot coverage, etc).

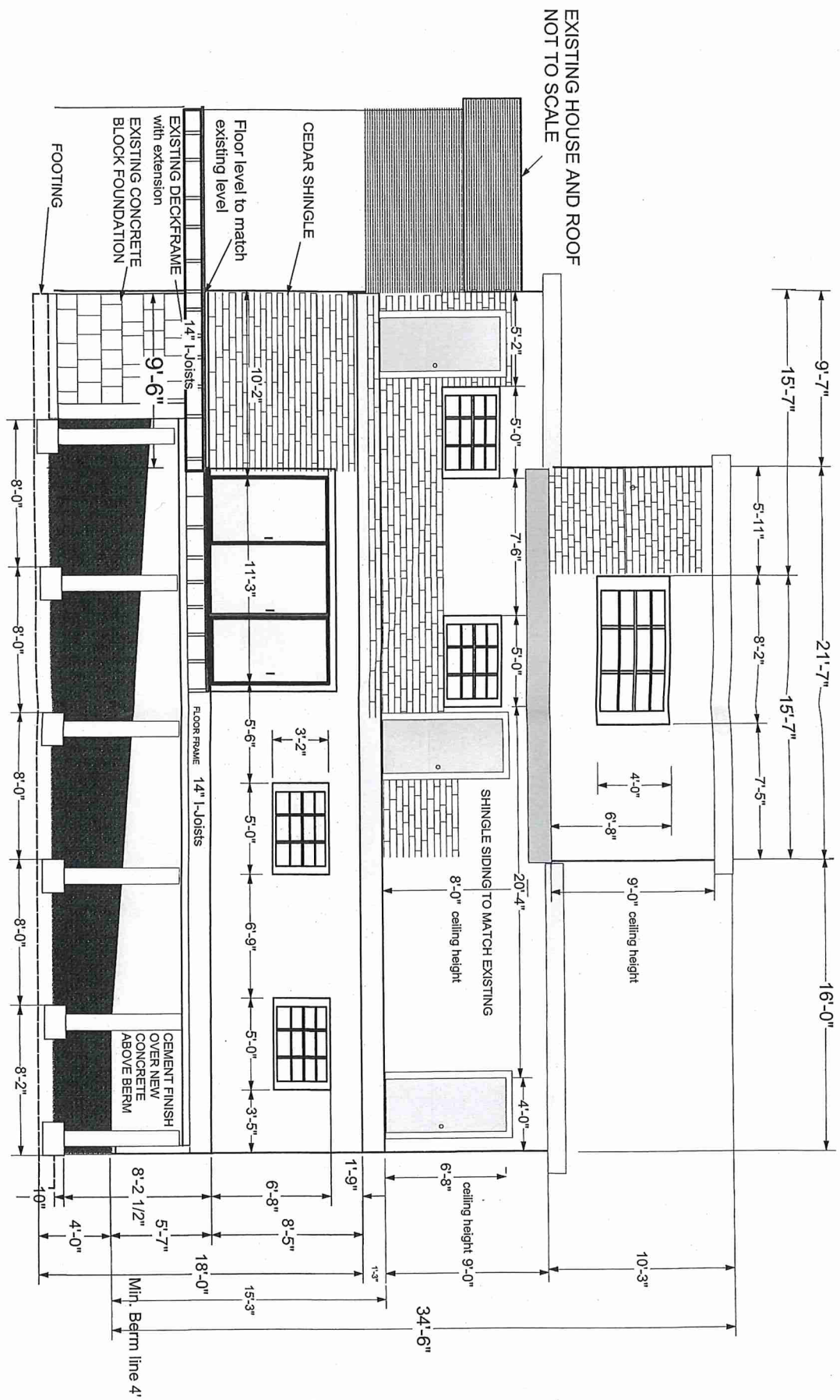
Visual Materials Required - Scaled drawings showing at a minimum the following

1. Site Plan: Include at a minimum:
 - Plan showing total parcel of land
 - Title block with Date
 - Scale
 - North Arrow
 - All property lot lines with dimensions
 - Area of parcel of land
 - All building locations with dimensions of structures and dimensions to lot lines
 - Location and use of all adjacent structures with dimensions to lot lines if applicant is seeking relief to construct within 20 feet of another building or if applicant is seeking to meet the average front yard setback requirements in lieu of the 25 foot setback.
 - Zoning District including Watershed Protection areas and Historic District areas. If property falls within more than one district, plan shall show all district lines.
 - Location of wetlands protected areas.
2. Exterior Elevations of the Building
3. Scaled floor plan of both new and existing structure

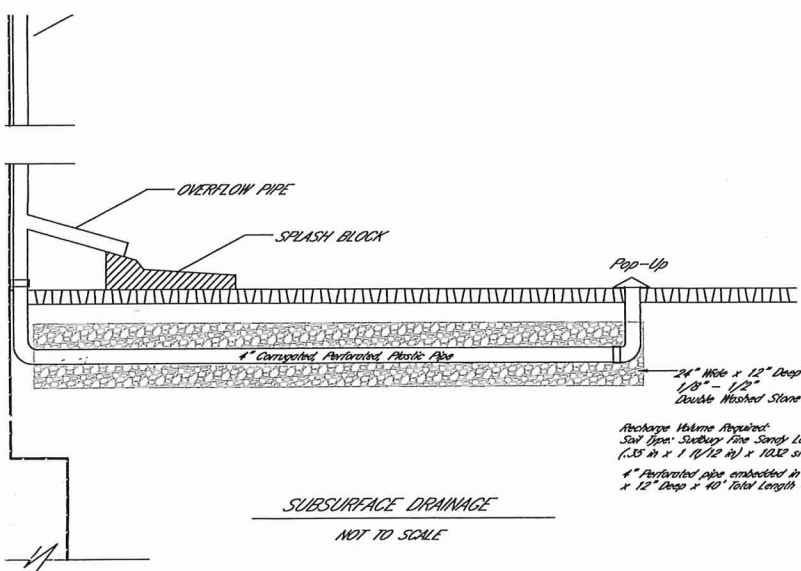
PHOTOCOPIED PORTIONS OF LARGER PLANS INCLUDED IN
APPLICATION

DECK SIDE ELEVATION

1/24 Roof pitch to the lake side



NOTE* 4 upper windows 3'x5' slider white vinyl exterior with colonial grills triple slider unit 120" x 80"



Exchange Volume Adjustment:
Soil Type: Sudbury Fine Sandy Loam (A22-B)
(.35 in x 1 (1/12 in) x 1000 sf = 381.1 cf
4" Perforated pipe embedded in stone 24" Wide
x 12" Deep x 40' Total Length = 37' cl

ZONING DISTRICT R1A			
	REQUIRED	EXISTING	PROPOSED
AREA	20,000 SF	13,850 SF	13,850 SF
FRONTAGE	125 FT	100 FT	100 FT
WIDTH	100 FT	100 FT	100 FT
FRONT SETBACK	25 FT	22.3 FT	22.3 FT
SIDE SETBACK	15 FT	9.7 FT	10.0 FT
REAR SETBACK	15 FT	21.6 FT	24.1 FT
BUILDING COVERAGE	25%	28%	15.1%

LEGEND

- Wetland Line
- 50' No Build Zone
- 25' No Build Zone
- 100' Buffer Zone

PROPOSED ADDITION
HAMILTON, MA
3 BEECH STREET
Assessors Map 66, Parcel 3A
Owner: Eric Mimmo

Date: November 3, 2020

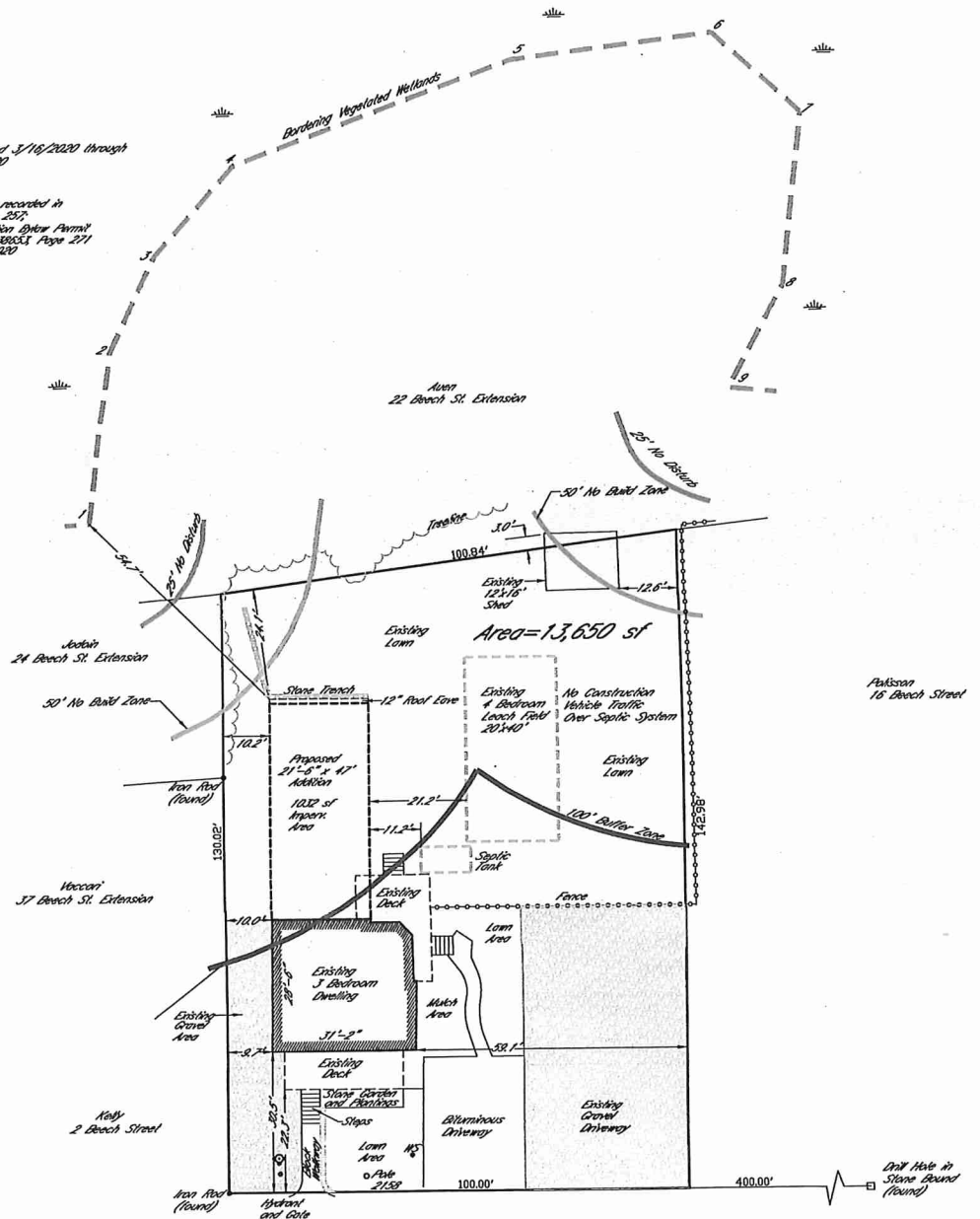
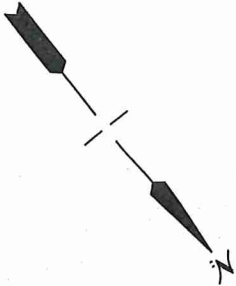
By: John J. Decoulas
Danvers Industrial Park
3 Electronics Avenue
Danvers, MA 01923
(978)777-6390



DEP File No. 122-0828
Draw Reference: Book 34181, Page 137
Plan Reference: Plan Book 66, Plan 38,
Plan Book 271, Plan 38

Wetlands delineated 3/16/2020 through
and April 21, 2020

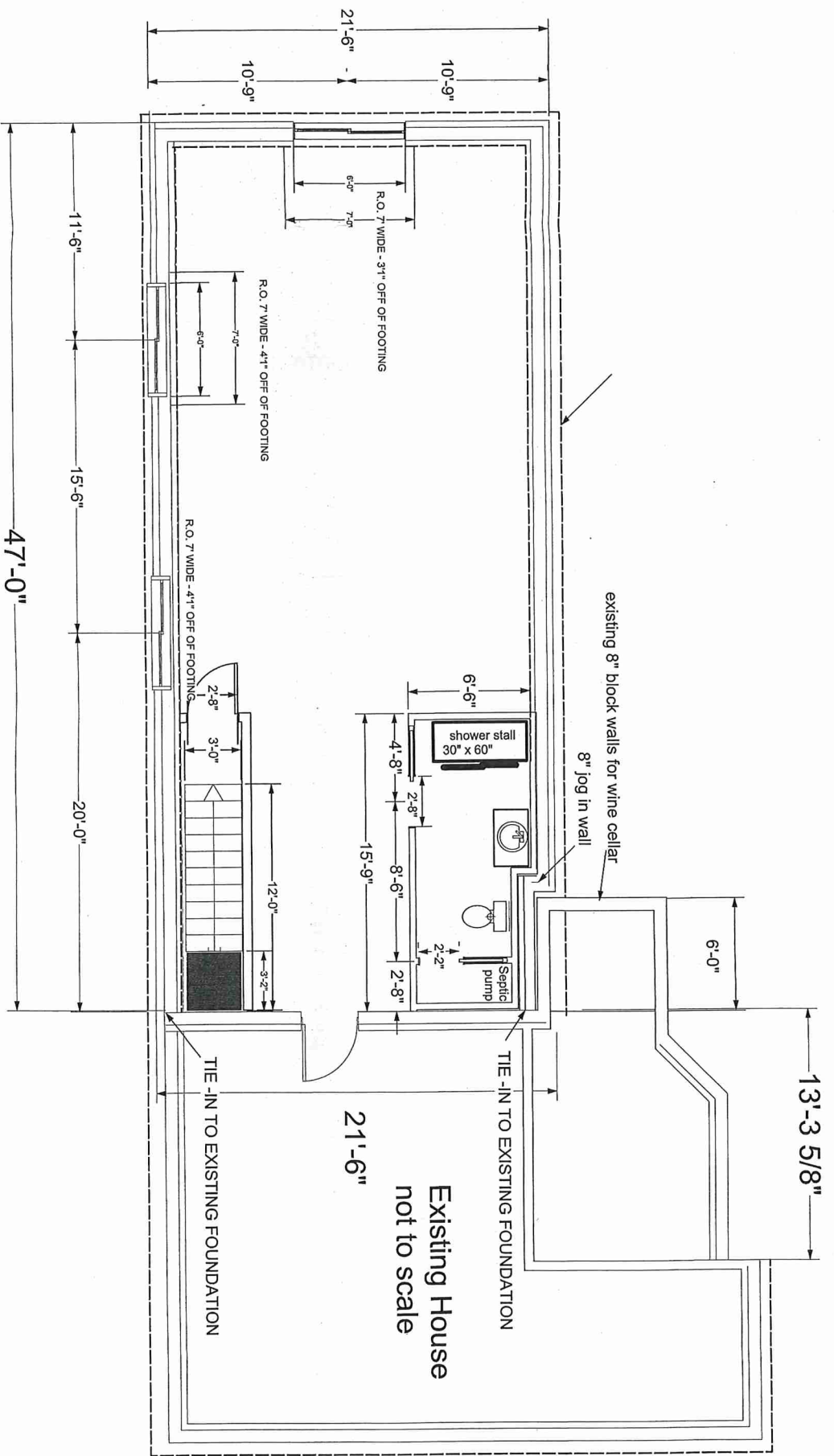
Order of Conditions recorded in
Book 38053 Page 257
Habitat Conservation Order Permit
recorded in Book 38053 Page 271
Issued June 22, 2020



Area = 13,650 sf

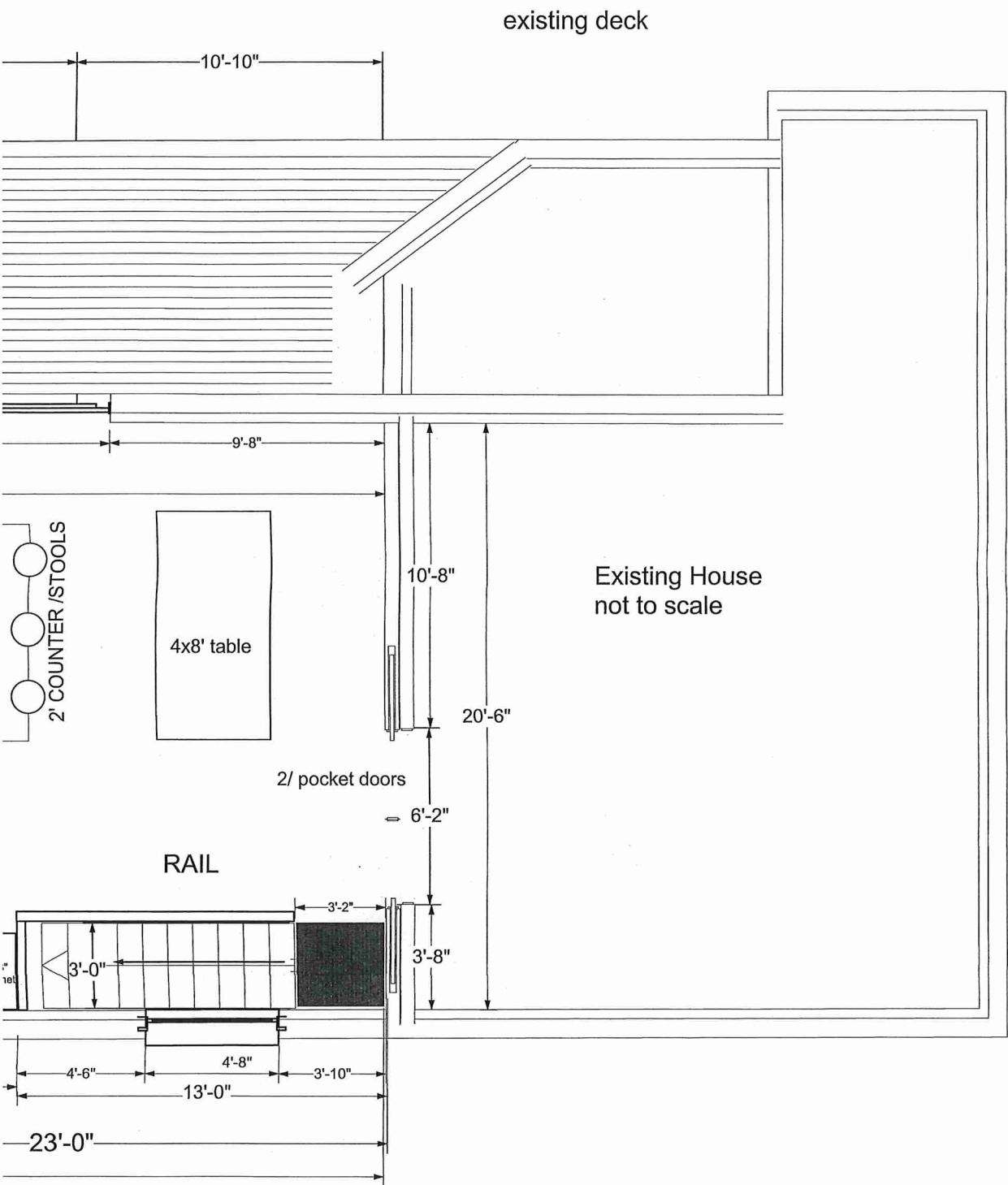
Drill Hole in
Stone Found

2.



FINISHED FLOOR
 CONCRETE SLAB
 steel mesh full coverage
 L POLY
 OR BARRIER
 -3" RIDGID INSUL. 15 R

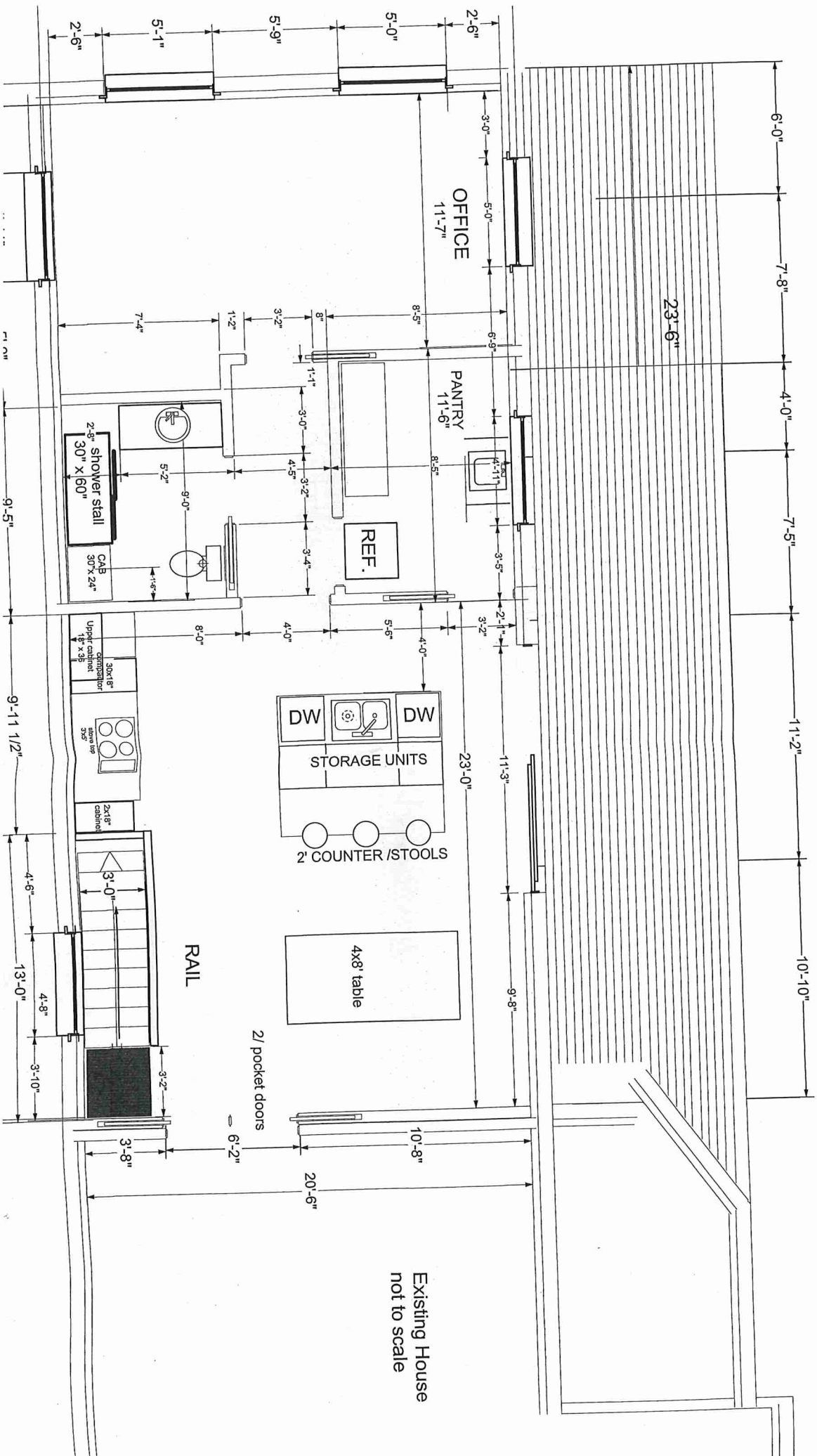
NOTE ON BASEMENT WINDOWS AND DOORS:
 3 window Jeld-Wen V2500 left operable 72"x36"
 V4500 RH Slider w/colonial grid insert
 2 pocket drs at 2' 8" and 1' at 2'2"



ERIC MIMMO : RESIDENCE
 3 BEECH STREET HAMILTON, MA. 01982

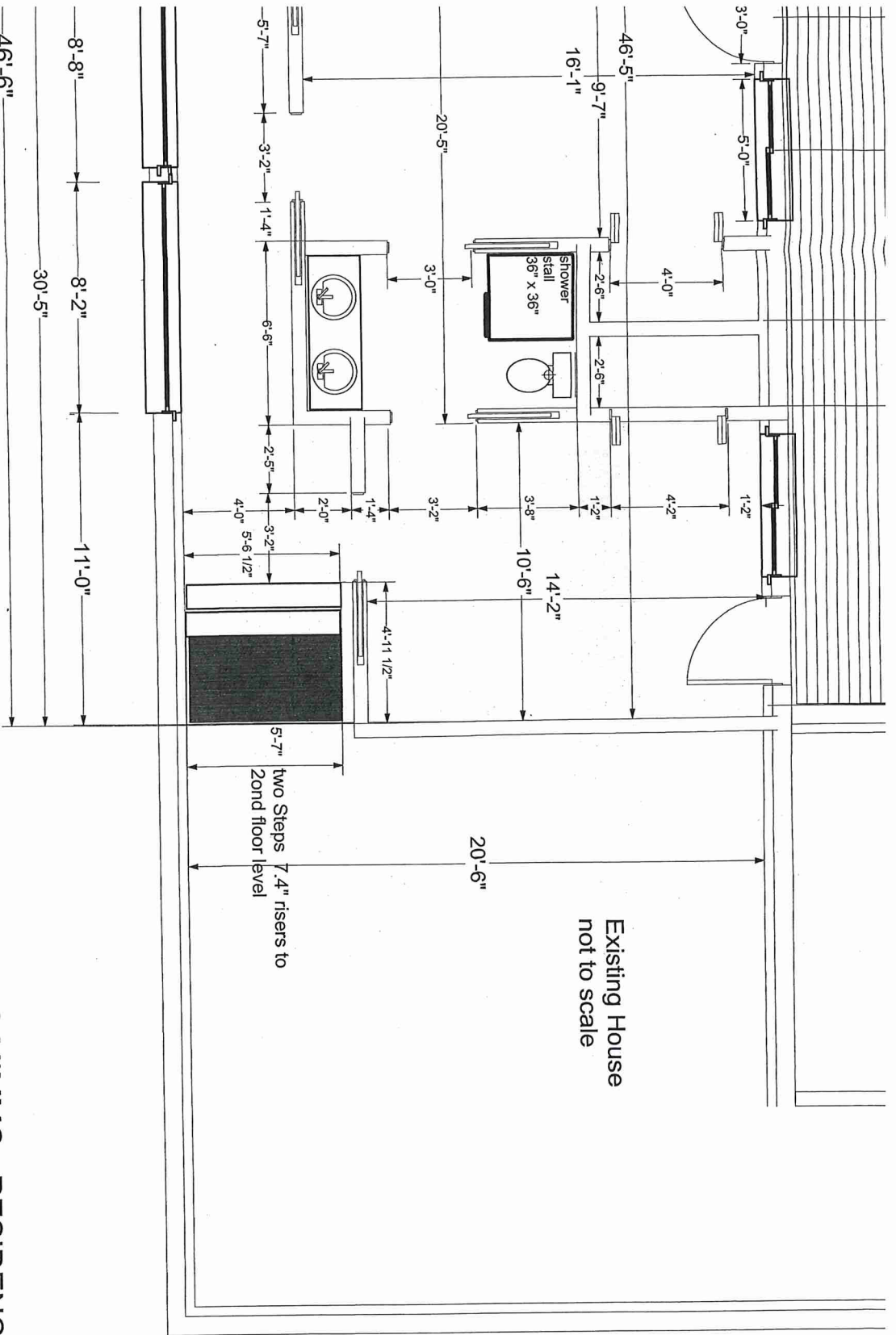
Dwgs. by Doug Greenfield Lic.# CS-067320
 ONE-STORY ADDITION WITH BASEMENT
 FIRST FLOOR PLAN
 SCALE: 1:96 DATE: 08 / 2021

FLOOR PLAN 1



Existing House
not to scale

existing deck



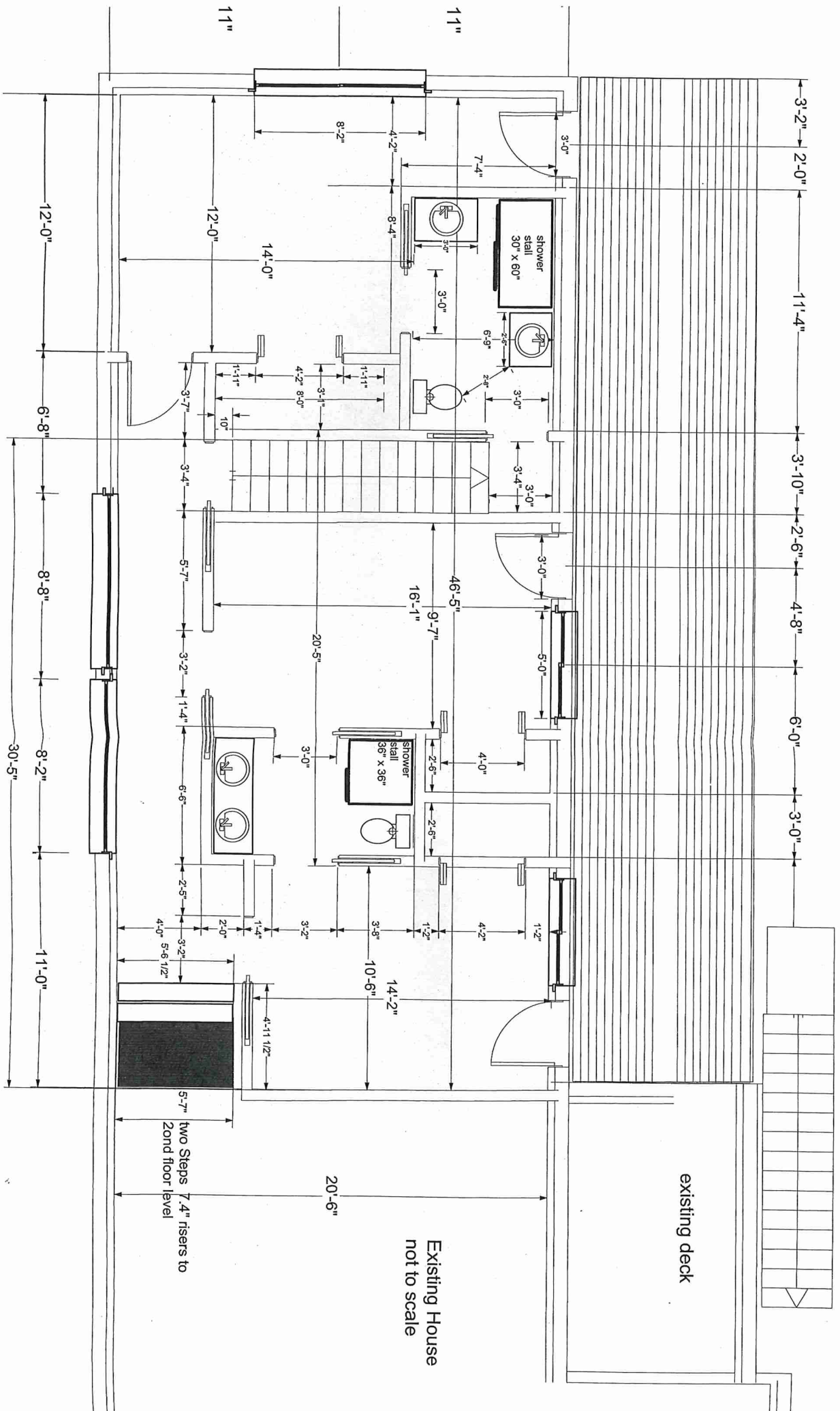
Existing House
not to scale

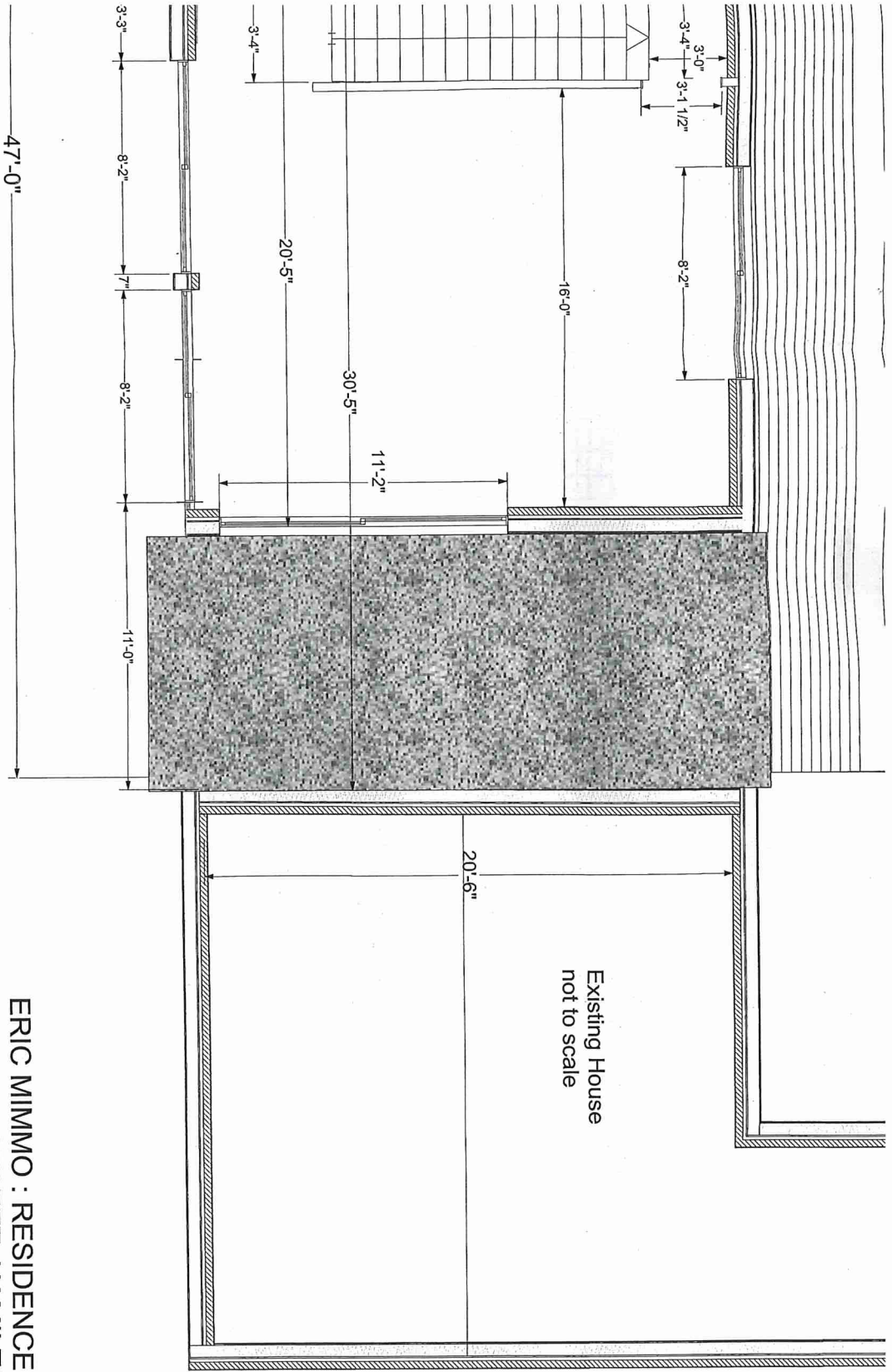
two Steps 7.4\"/>

ERIC MIMMO : RESIDENCE
3 BEECH STREET HAMILTON, MA. 01982

Dwgs. by Doug Greenfield Lic.# CS-067320
ONE-STORY ADDITION WITH BASEMENT
FIRST FLOOR PLAN
 SCALE: 1:96 DATE: 08 / 2021

FLOOR PLAN 2

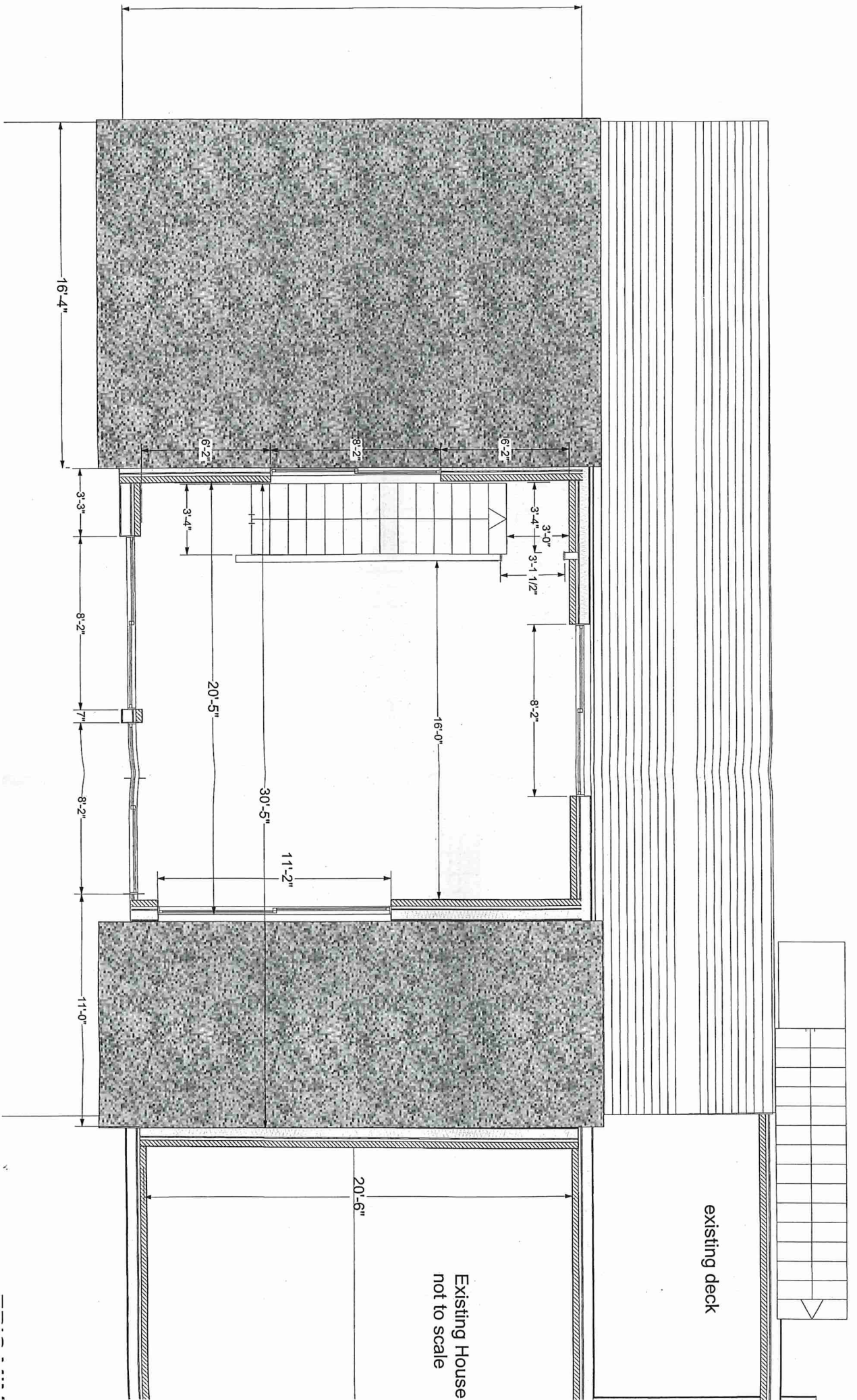




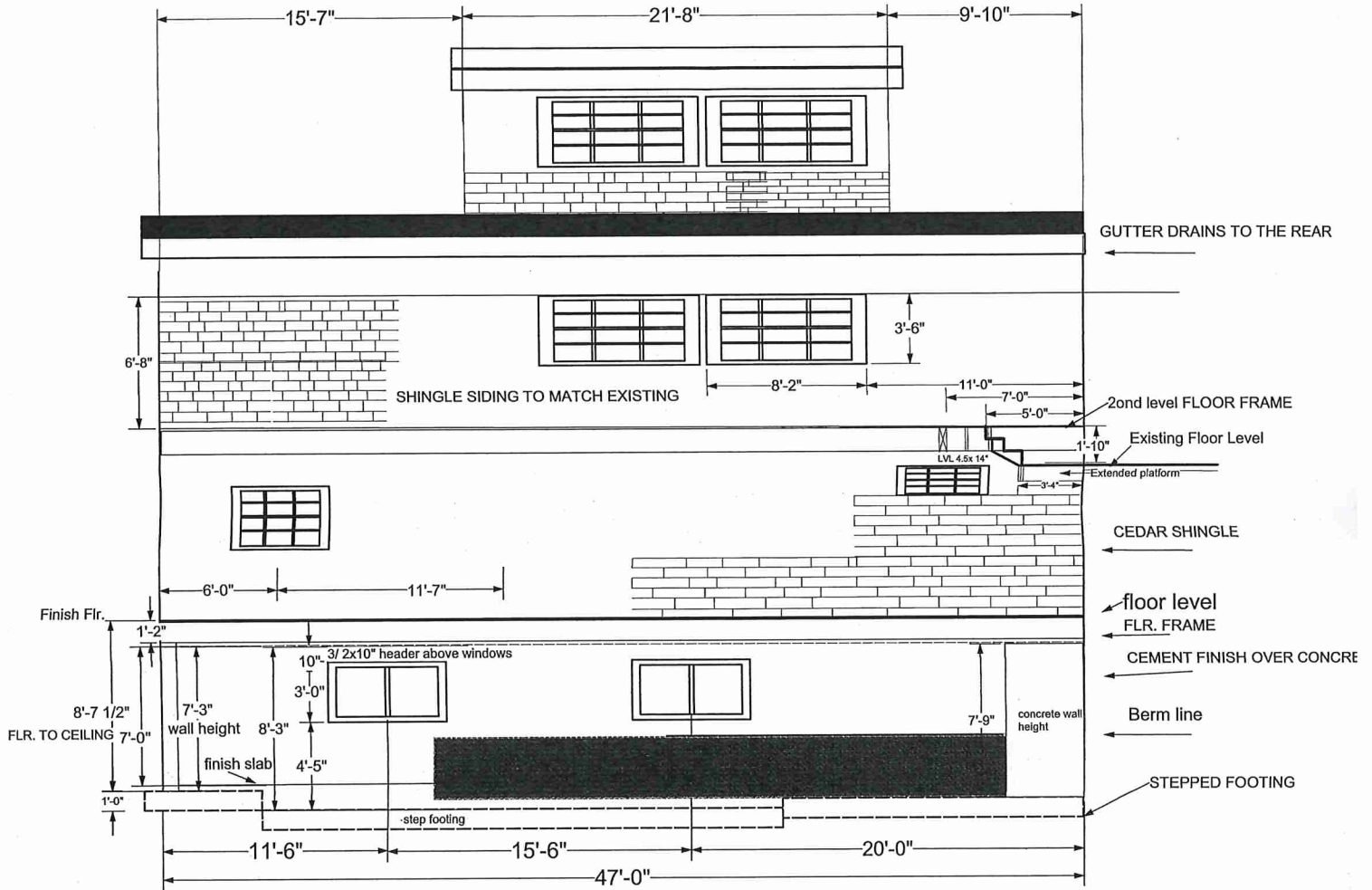
Existing House
not to scale

ERIC MIMMO : RESIDENCE
3 BEECH STREET HAMILTON, MA. 01982

Dwgs. by Doug Greenfield Lic.# CS-067320
ONE-STORY ADDITION WITH BASEMENT
FIRST FLOOR PLAN
SCALE: 1:96 DATE: 08 / 2021



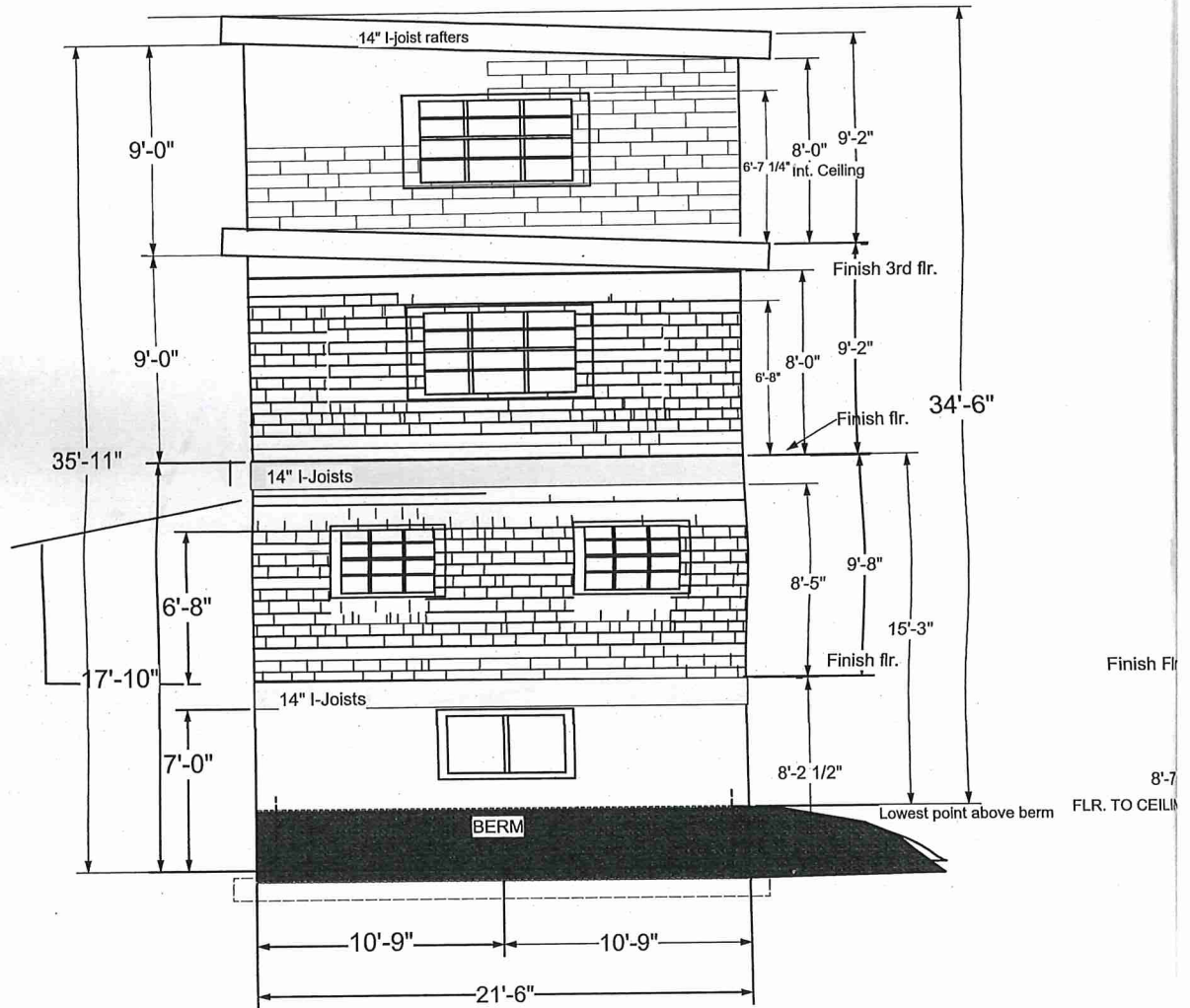
LAKE SIDE ELEVATION 1/24 Roof pitch



ERIC MIMMO : RESIDENCE
 3 BEECH STREET HAMILTON, MA

Dwgs. by Doug Greenfield Lic.# CS-1
 TWO-STORY ADDITION WITH BAS
 ELEVATION PLANS
 SCALE: 1:96 DATE: 10 / 2021

BACK ELEVATION



3 BEECH STREET APPLICATION – CEASE & DESIST APPEAL



Town of Hamilton Building Department
577 Bay Road, Hamilton, MA 01936
Telephone Number: 978-626-5250
Email Address: permitting@hamiltonma.gov

July 27, 2022

Eric Mimmo
3 Beech Street
Hamilton, MA 01982

RE: 3 BEECH STREET - CEASE & DESIST – BP-21-135

Dear Mr. Mimmo:

It has come to the attention of this office that work proceeding under the above referenced building permit is in violation of a Special Permit granted by the Hamilton Zoning Board of Appeals in January of 2021.

Specifically the zoning relief granted was for a 1 story addition with a basement. The second story addition under construction has not been approved.

All work must CEASE & DESIST immediately, your options are:

1. Remove the unauthorized construction and comply with the Special Permit provisions.
2. Apply to the Zoning Board for relief for the additional work.

If you disagree with this action you have the right in accordance with MGL 40A, §§ 8 & 15 to appeal this action to the Hamilton Zoning Board of Appeals within 30 days of receipt of this order.

Sincerely,

Richard P. Maloney
Inspector of Buildings



Date Stamp of Town Clerk:

RECEIVED
TOWN CLERK
HAMILTON, MA

2022 AUG -4 AM 11: 11

TOWN OF HAMILTON ZONING BOARD OF APPEALS

577 Bay Road, Hamilton MA 01982

Phone Number: 978-626-5250 – Email Address: permitting@hamiltonma.gov

APPEAL A DECISION OF THE BUILDING INSPECTOR

To the Board of Appeals of the Town of Hamilton,

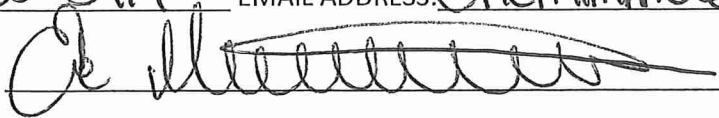
The undersigned herewith submits an application and requests a Public Hearing before the Zoning Board of Appeals for an Application to Appeal a Decision of the Building Inspector under MGL Chapter 40A, Section 8.

SUBJECT PROPERTY ADDRESS: 3 Beech Street

PROPERTY OWNER: Eric Mimmo

OWNER'S PERMANENT ADDRESS: 3 Beech Street

DAYTIME PHONE #: (617) 435-3919 EMAIL ADDRESS: EricMimmo@hotmail.com

SIGNATURE OF PROPERTY OWNER: 

If different than Property Owner:

APPLICANT: _____

APPLICANT'S ADDRESS: _____

DAYTIME PHONE #: (_____) _____ EMAIL ADDRESS: _____

SIGNATURE OF APPLICANT: _____

Eric Mimmo
3 Beech St, South Hamilton MA 01982
617-435-3919
ericmimmo@hotmail.com

Friday, August 6th, 2022

I want to start this document off with an apology. I apologize that this meeting didn't take place in December of 2021 but instead now, because I was misinformed and misguided by the Hamilton Building department. I urge you after reading this document to please contact me on my cell to come to visit my home and see this delayed project I'm trying to get water-tight before winter comes. This is already difficult because my crew consists of myself and my family, as we are the ones that are fully building our home together.

I'm going to start from the beginning. When I originally applied and was considering an addition to my home, I was trying to keep it as low budget as possible. I had a friend help me do hand-sketched drawings and I only wanted to do a single-story addition with a full basement to keep my construction and material costs as low as possible. The original plans addressed the following issues with my current home. My current home has no real living room nor a good entry room due to our current front door opening to my couch and my side entry opening up to a basement spiral staircase. In the original plans, we wanted to add new basement access with a new set of stairs in the addition which would solve our side entry situation. We also relocated our kitchen in order to make a proper living room in our home. With the additional space we decided to add a permanent office for my wife's business and a permanent office for myself as well as two additional bathrooms. That is what I presented to the board at the initial meeting.

After our meeting, I was given permission to move forward by the board. I then went to the Hamilton Building Department. When the Building Inspector reviewed my hand-sketched drawings, he informed me that he could not issue me a Building Permit on those drawings because I needed to hire an architect. In my search for a local architect that would help keep my expenses low, I located one who resides in Asbury Grove, is retired but works part-time. When we started measuring my existing home we planned to include a single slope roof from my existing home to the rear of my property as my hand-sketched drawings had shown. However, on closer inspection, we ran into multiple issues. One of our major issues was that my current home's first-floor level only has ceiling heights of 7 feet, and my second-floor level only has ceiling heights of 6 feet 5 inches on almost the entire floor. Therefore when we inputted this information into his computer without disrupting the second story level, that would mean that the end walls in my addition would have to be 5 feet tall which would be against building code. It was then determined the only way put an addition on this home would require me to go a minimum of two stories to bring the roof line above my existing home, and the pitch would have to be changed to side to side instead of front to back as originally planned. New plans were drawn up and then submitted to the Hamilton Building Department in the month of October 2021. Included in this packet is an email from the town Building Inspector questioning and reviewing the drawings I submitted to him, to prove that he did in fact receive my drawings. When asked about the second story level of what I would be doing with it at that time, I had no idea how to build out that space so I told him I was just going to keep it as attic space. I believe approximately one month later a Full Building Permit was issued by the town Building Inspector and construction began.

Since the Building Permit was issued very close to winter I only had enough time to put the basement ceiling/the first floor which capped my foundation. I then covered it with a tarp and put the project on hold until after winter. In May of this year, I decided it was time to build the exterior shell and get the project watertight before the next incoming winter. I ordered the first round of material and started assembling the first-floor level with my family crew. Once the first-floor level was assembled and the second-story floor was down I was able to look at the view I obtained on the second level. I could now start designing the second-story layout. I decided at that time to address all of the issues my home has and to remove two of my existing bedrooms and add three new bedrooms to my home. Therefore increasing my bedroom count from three bedrooms to four bedrooms, as is the max I can have with my current septic system. One of my existing bedrooms is actually going to be a hallway that connects to my new second floor which is approximately two feet higher than my existing second-story level in my home. In the other small bedroom, we are going to remove the closet in order to make the hallway more accessible and keep that room as a study for my children, one of them is autistic and another one is dyslexic and both need additional learning space. I then took a ladder and placed it on my second-floor level, and climbed up approximately 10 more feet to see what view would be achieved if I were to go one more story. After seeing that view, I decided the added building expense now would be well worth what I was about to gain if I increased my build from two stories to three stories.

So I called my architect and started creating the new drawings for not only my second story layout but also for my third story layout. Once he completed the preliminary drawings of the second and third stories I then took them to Town Hall on approximately July 20th to get the Building Inspector's approval to increase my build from a two-story addition to a three-story addition. When I met with the Building Inspector, he informed me that Town Hall had lost all of the approved drawings I submitted to him in October of 2021. So I emailed him copies of all my drawings that were lost. Also, he informed me in order for me to change my build from a two-story to a three-story that I would have to resubmit to the town to get approval. I asked him why because on my Building Permit it didn't say two-story addition, it only stated that it was a Full Building Permit. Therefore, I did not think elevation changes required new approval based on the Building Permit that was issued. But I said okay and Mary Ellen put me on the schedule for the September 7th meeting.

Approximately one week after our meeting on July 27th, the first day of framing the second story was underway. On July 28th, at approximately noon time my daughter informed me that a hand-delivered letter was put in the door from the town. Upon reading the letter, to my abrupt surprise, the letter stated to Cease and Desist all work on the second story for I only had permission for a single story addition. Not understanding the letter, I immediately went to the town hall. Mary Ellen, the secretary informed me that my second story was not approved even though a Full Building Permit was issued by the Building Inspector and that I needed to reapply to the Zoning Board of Appeals for approval. This immediately put a massive amount of stress on me because as previously stated there was no way to build this addition without the second story and all drawings were submitted prior to the issuing of the Building Permit. If any meetings were necessary with the Zoning Board of Appeals, then the town Building Inspector or his secretary should have informed me, and NO Building Permit should have been issued. I immediately brought the town manager in on the situation to see if any efforts could be made to

fix this massive mistake made by the Building Department without delaying my project for five weeks. Unfortunately, there was nothing he could do, so my project has been on hold until this meeting.

Included in this packet I have copies of my original hand sketched drawings that were approved at our first meeting. I also have copies of all drawings that were lost but are verified via return email from the Building Inspector questioning my drawings when the plans changed to a two-story addition from a single-story addition after hiring my architect. I also have included all drawings that change my plans from a two-story addition to a three-story addition that gives us the added view of the lake. Also included are pictures of the work that has already been completed and has been put on hold. At this September 7th meeting, we are seeking full approval from the board to continue building our new three-story dream home as a family so the project can be water-tight before winter.

Respectfully,
The Mimmo Family

16:52 ↶

5G E 



From: **Building Inspector** >

To: Eric Mimmo >

October 22, 2021 at 09:10

ROOF FRAMING

Eric,

Disregard my call, there are 3 deflection criteria, 180, 240, & 360; floors are 360, roof rafters with ceiling attached are 240. The plan was correct. Sorry for the confusion.

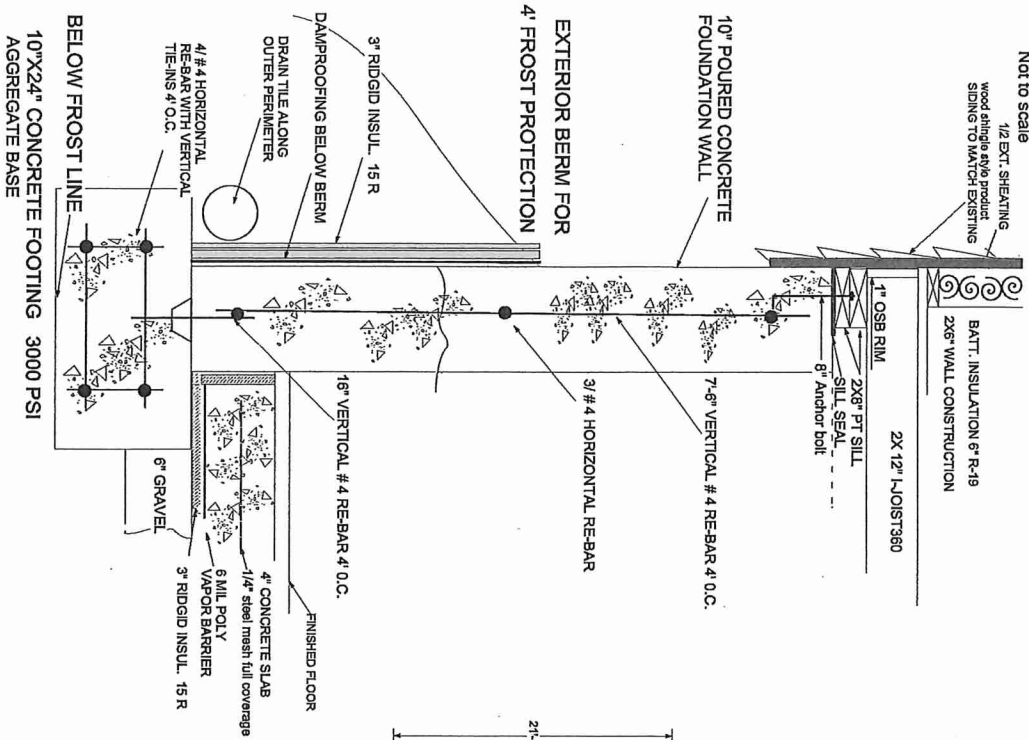
Rich



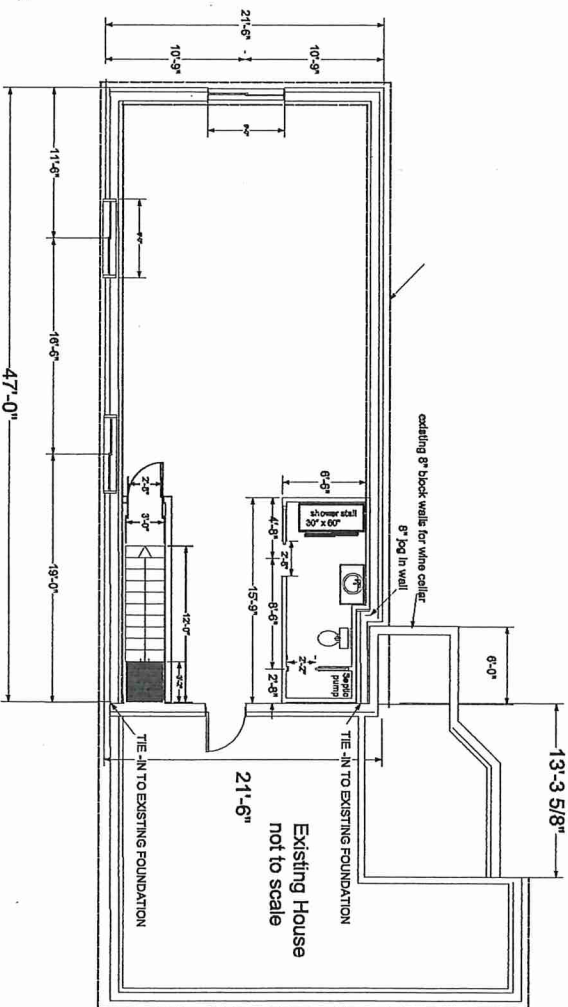
WALL DETAIL A

Wall height 7'9"

Not to scale



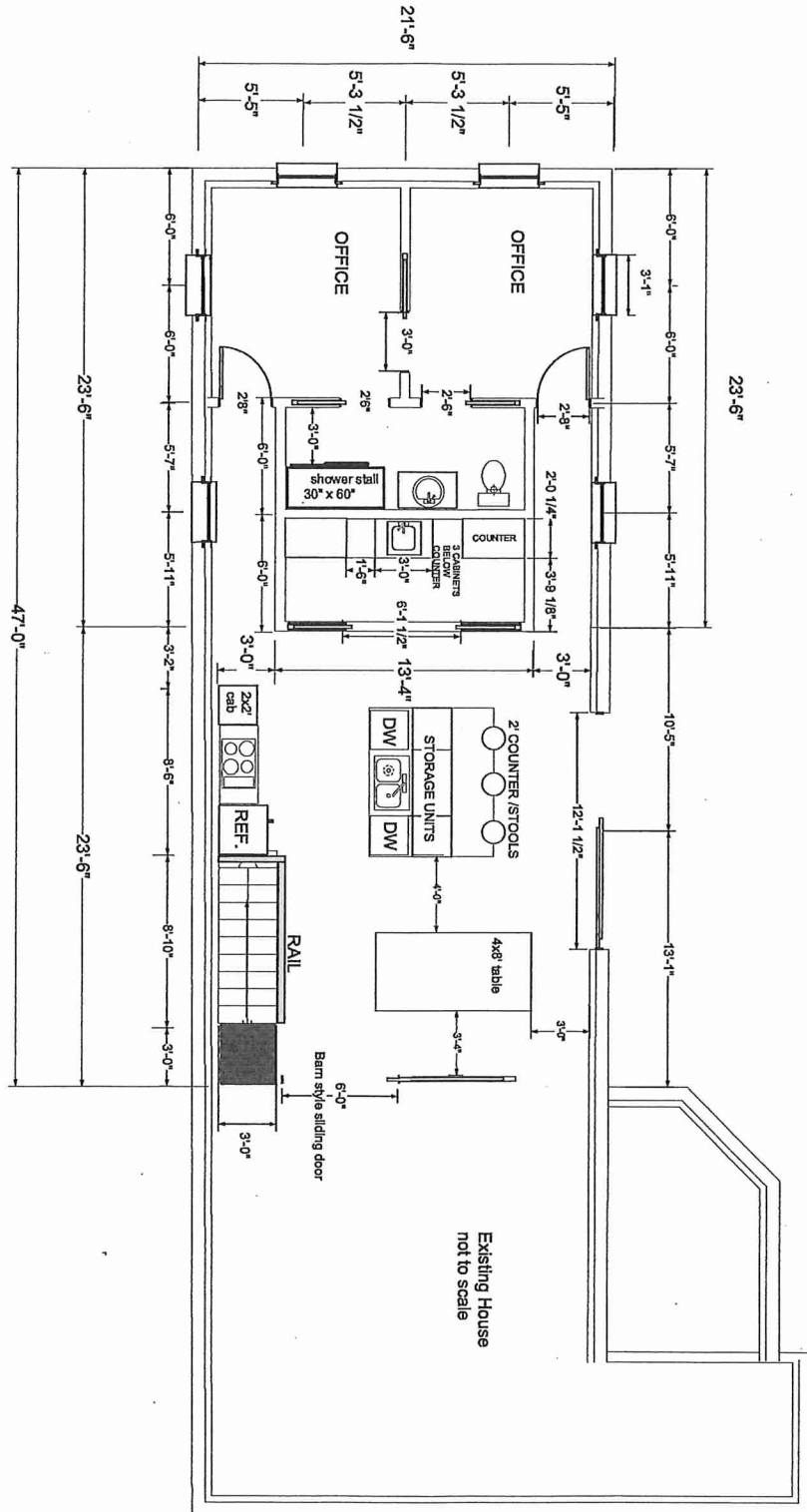
FOUNDATION/BASEMENT PLAN



NOTE ON BASEMENT WINDOWS AND DOORS:
 1 window Jeld-Wen V2500 left operable 72"x36"
 2 windows Alside at 6'0" x 3'0"
 V4500 RH Slider w/colonial grid insert
 2 pocket drs at 2' 8" and 1' at 2'2"

OWNER	ERIC MINIMO RESIDENCE
DATE	08/07/2021
PROJECT	ONE-STORY ADDITION WITH BASEMENT FOUNDATION PLAN WITH DETAIL A
DATE	08/07/2021
SCALE	1/4" = 1'-0"
DATE	08/07/2021
SCALE	1/4" = 1'-0"

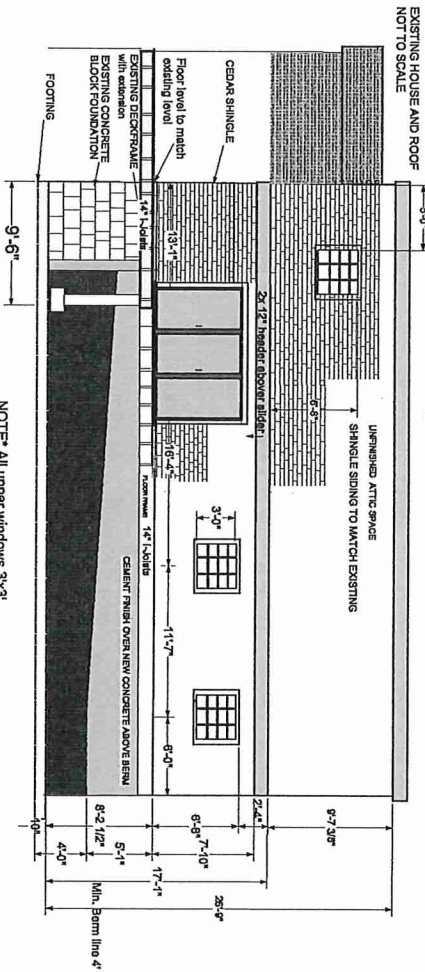
FLOOR PLAN



Existing House
not to scale

DECK SIDE ELEVATION

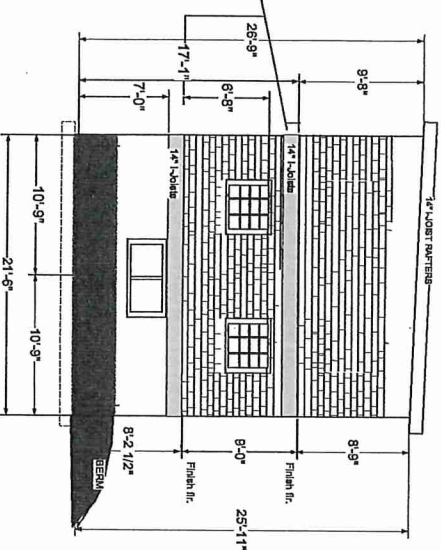
1/24 Roof pitch to the back side



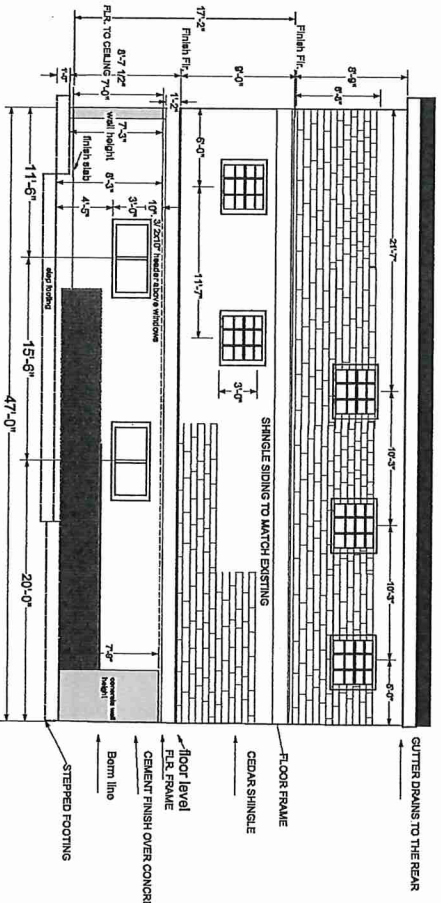
NOTE: All upper windows 3'x3' double hung white vinyl exterior with colonial grills triple slider unit 120" x 80" 2 left hand swing doors

PROJECT	ERIC GREENFIELD	ERIC GREENFIELD RESIDENCE
ADDRESS	CSL # 087230	8 BERRY STREET WASHINGTON, MA 01888
DESCRIPTION		TWO STORY ADDITION
DATE	10/21	
SCALE		AS SHOWN
DATE		11

BACK ELEVATION

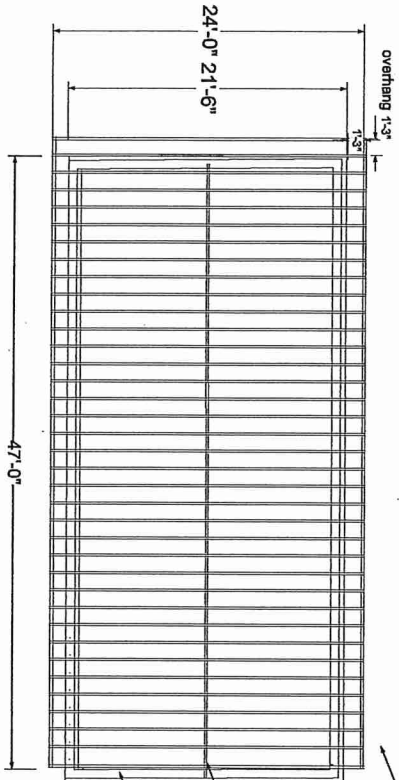


SIDE ELEVATION



ERIC MIMMO : RESIDENCE
 3 BEECH STREET HAMILTON, MA. 01982
 Dwgs. by Doug Greenfield Lic.# CS-067320
 TWO-STORY ADDITION WITH BASEMENT
 ELEVATION PLANS
 SCALE: 1:96 DATE: 10 / 2021

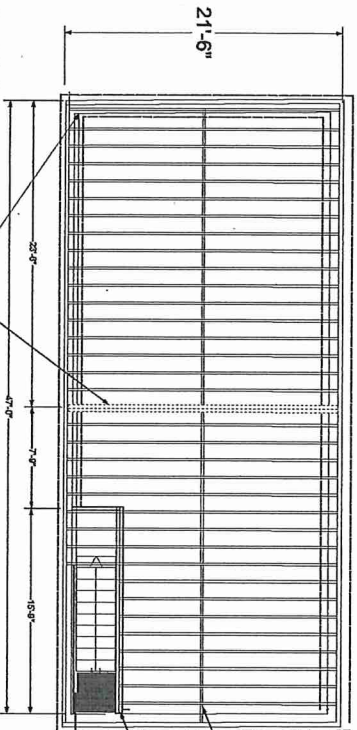
ROOF PLAN and Specifications



STRUCTURAL NOTES* and Specifications

- 14" T-JI-beam joists 360 Specifications carry upto 25' 8" span
- 16" o.c., min. 1.75" bearing
- Rated Max. Capacity: 50 psf live and 15 dead load with 1/240 deflection and 1.7 modulus of elasticity for maximum fibre bending stress allowable.

FLR. 1 + 2:JOIST PLAN SPECIFICATIONS

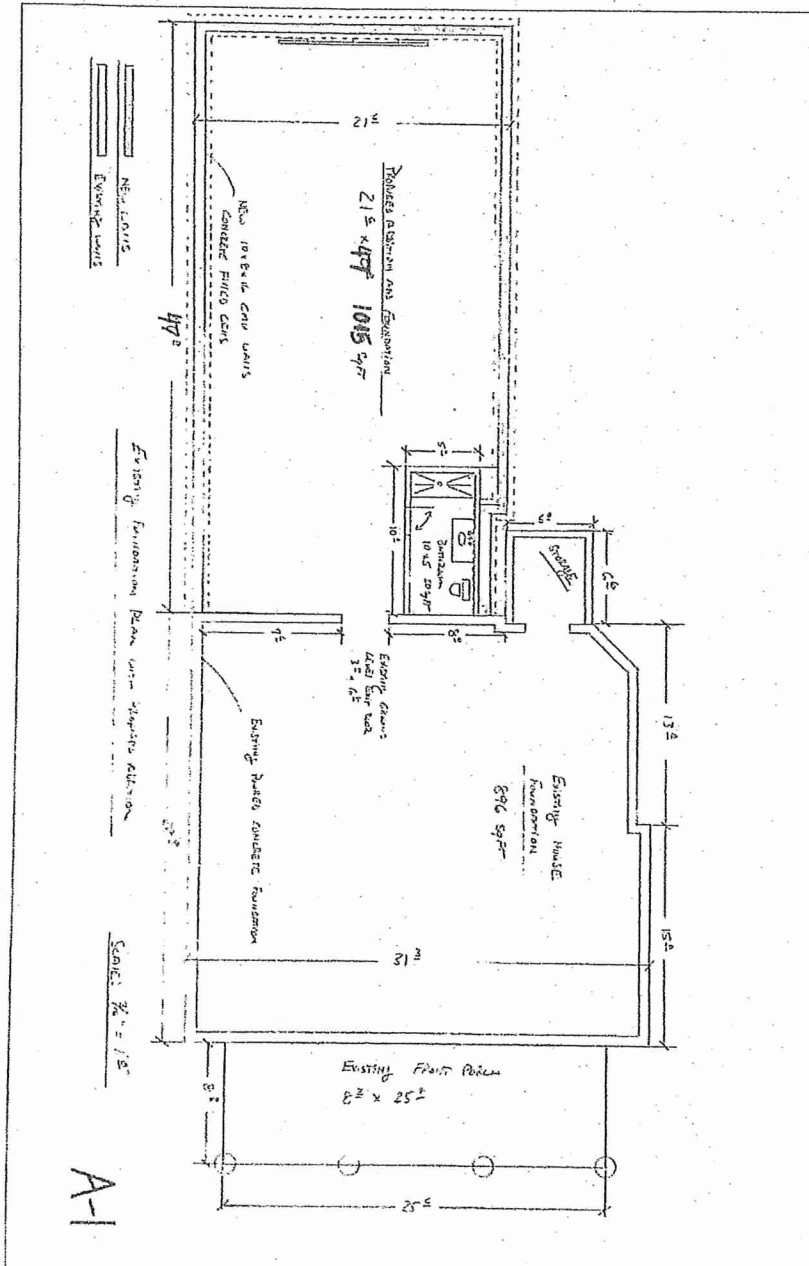


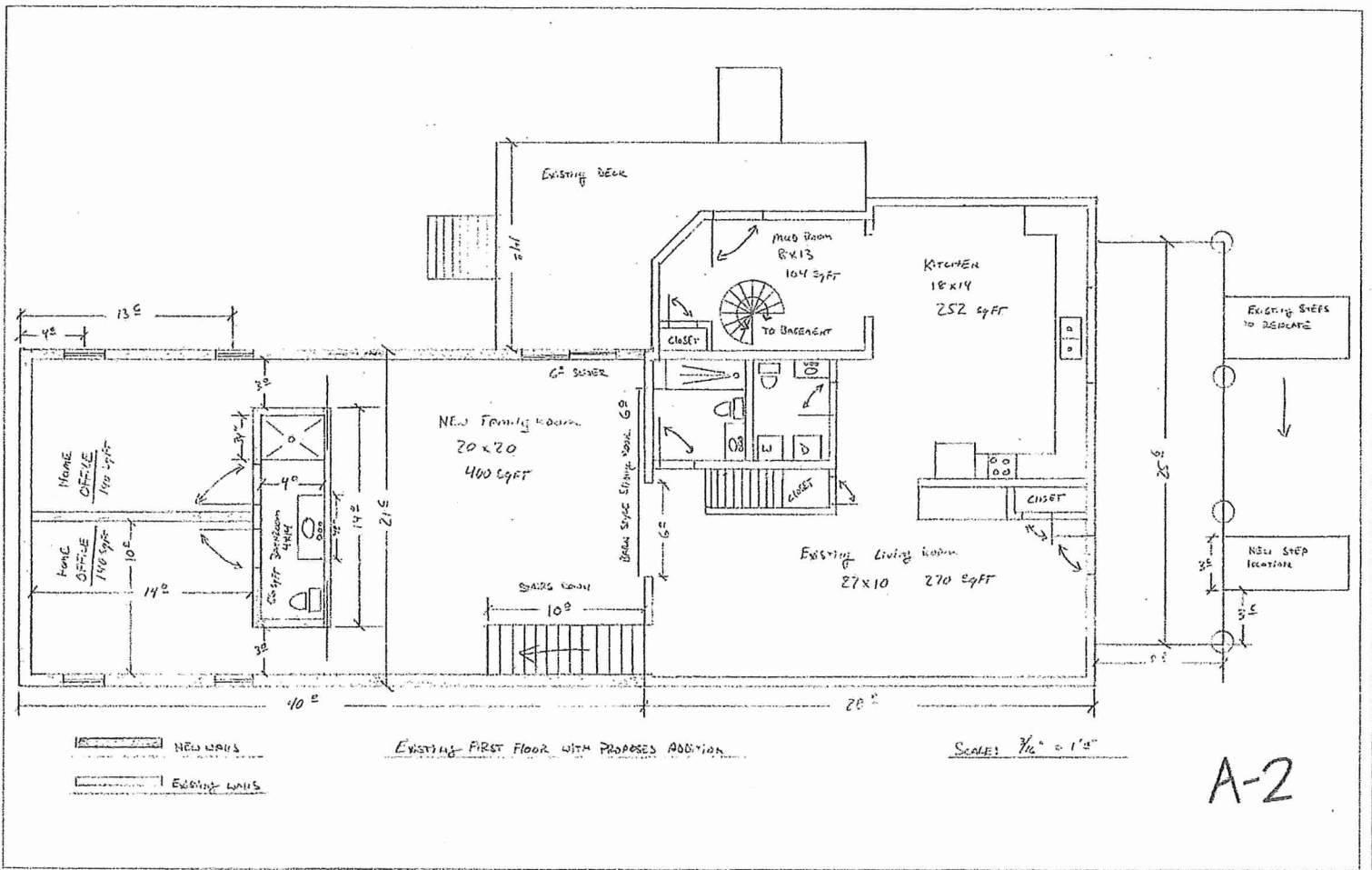
- 14" - TJI 360 I beam joists may be used with 1" OSB firm.
- Specifications upto 26' - 3" span, 16" o.c., min. 1.75" bearing
- Rated Max. Capacity: 40 psf live and 20 dead load with 1/360 deflection and 1.7 modulus of elasticity for maximum fibre bending stress allowable.

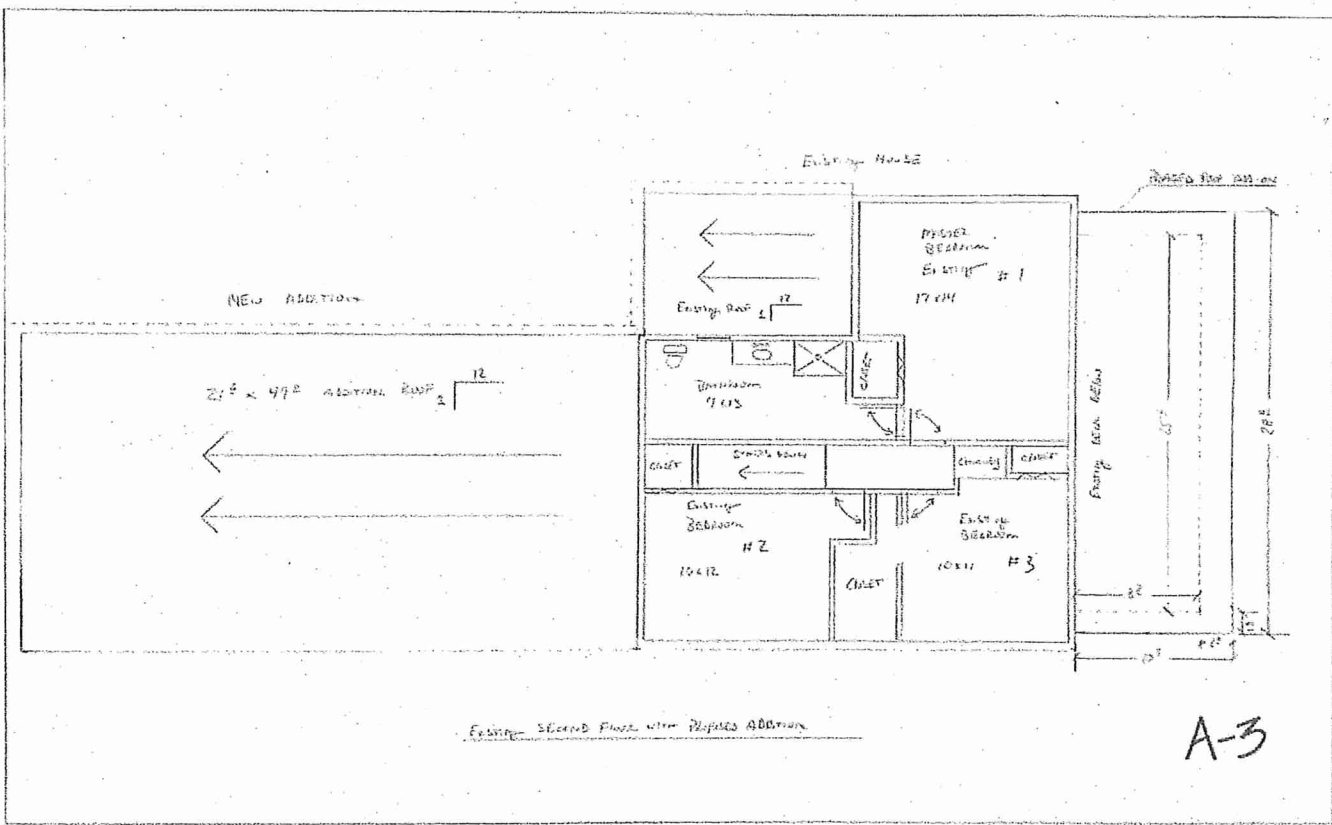
* Structural Notes: JOISTS ARE DOUBLED UNDER CENTER CARRYING WALL. 3.5" MIN. BEARING. and doubled on end to carry as a header over 6" window. Stairwell opening omitted on 2nd floor plan

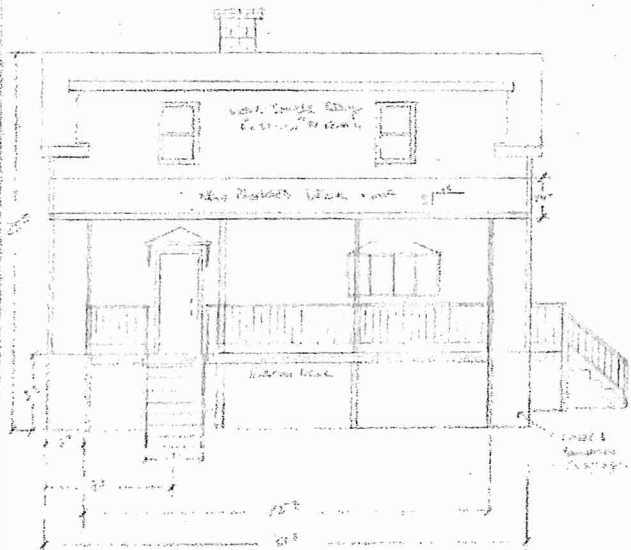
DATE	08/20/2021	BY	ERIC WINDSBERG
PROJECT	ONE-STORY ADDITION WITH BASEMENT	NO.	001
CLIENT	ERIC WINDSBERG	DATE	08/20/2021
ADDRESS	3500 W. 10TH STREET, WILMINGTON, MA 01892	SCALE	AS SHOWN
PROJECT NO.	2021-001	DATE	08/20/2021
PROJECT NAME	ONE-STORY ADDITION WITH BASEMENT	SCALE	AS SHOWN
PROJECT ADDRESS	3500 W. 10TH STREET, WILMINGTON, MA 01892	DATE	08/20/2021
PROJECT NO.	2021-001	SCALE	AS SHOWN
PROJECT NAME	ONE-STORY ADDITION WITH BASEMENT	DATE	08/20/2021
PROJECT ADDRESS	3500 W. 10TH STREET, WILMINGTON, MA 01892	SCALE	AS SHOWN

3 Beech Street
Eric Mimmo

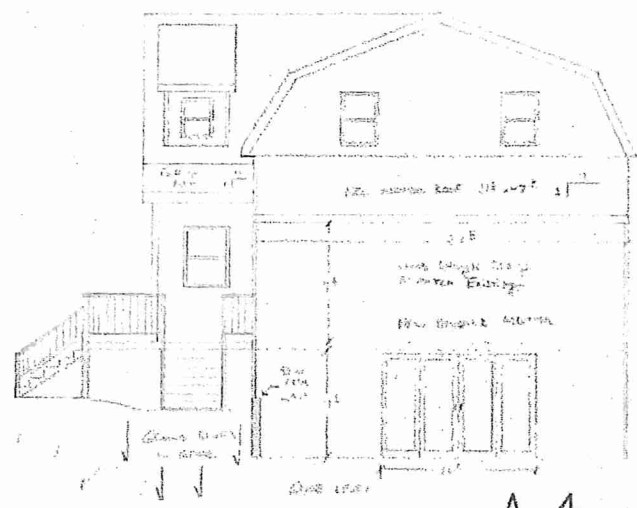






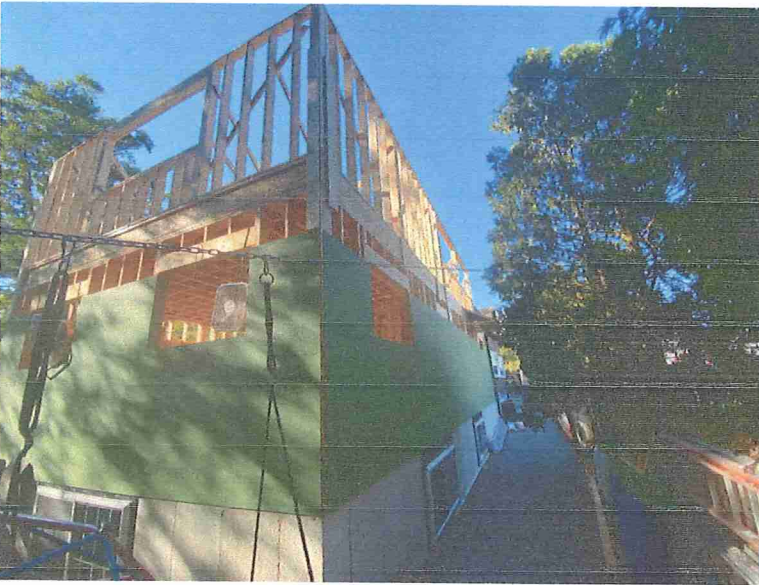
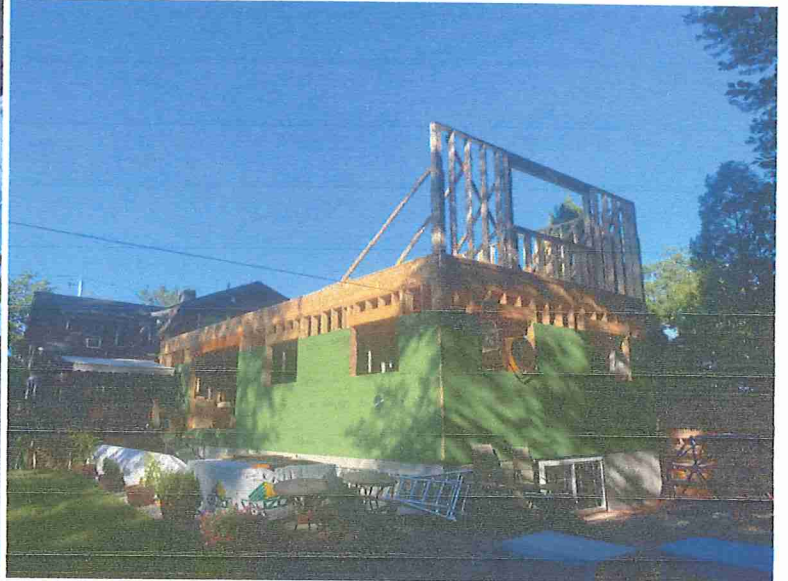
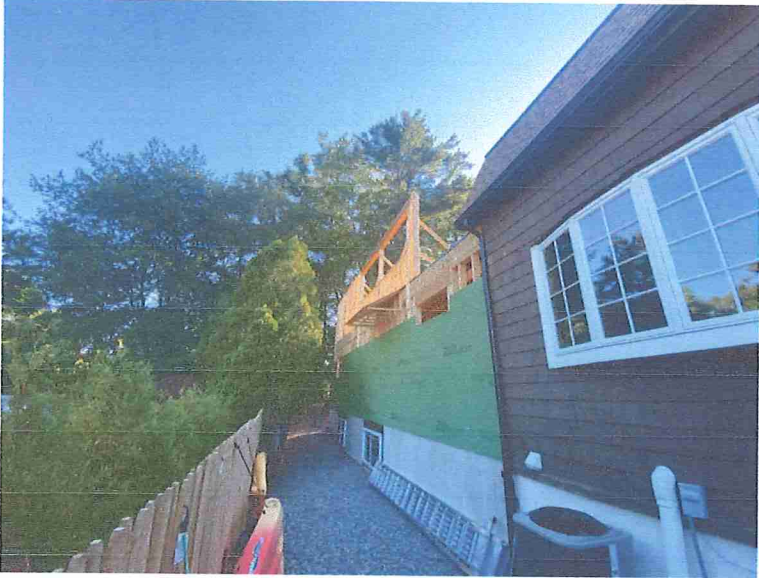


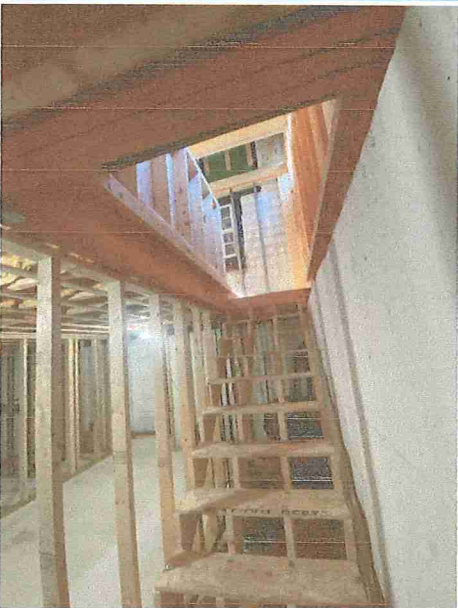
Living Room, Dining Room, Kitchen, Bath, Bed

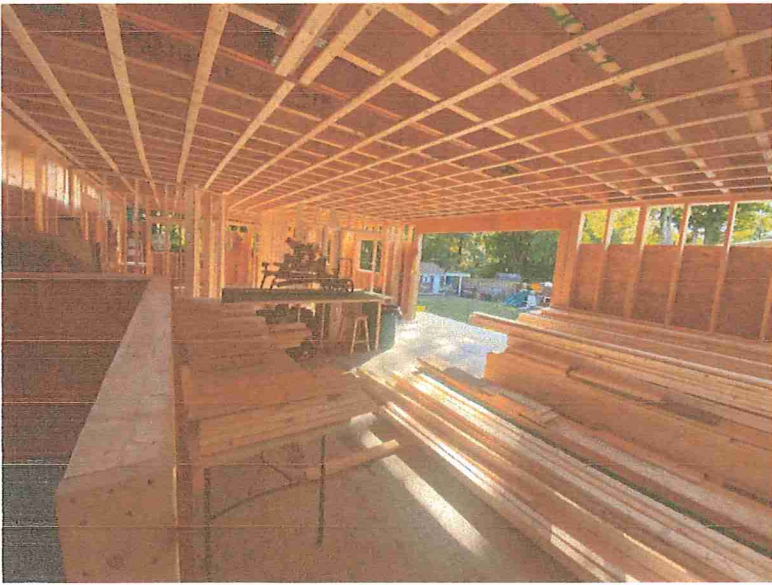


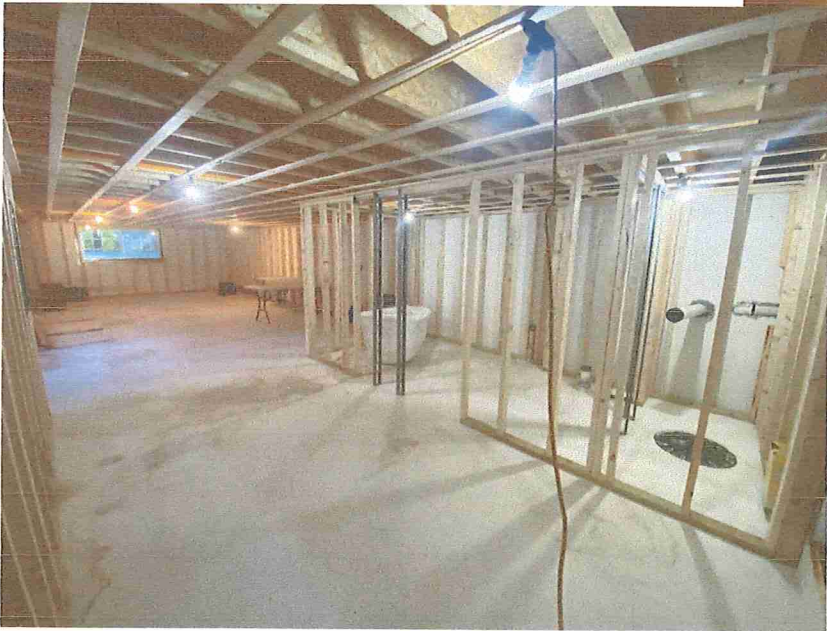
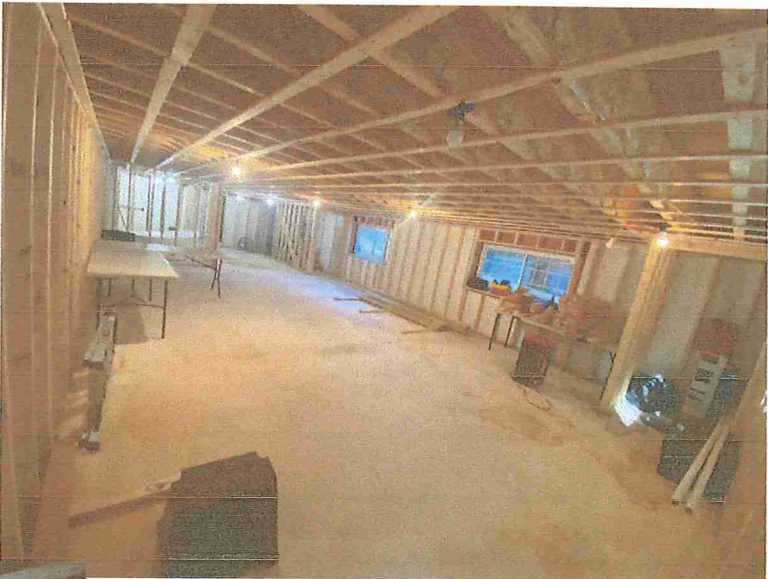
Living Room, Dining Room, Kitchen, Bath, Bed

A-4









3 BEECH STREET INFORMATION FROM PROPERTY
FILE/INFORMATION SENT TO ZBA MEMBERS



Town of Hamilton Building Department
577 Bay Road, Hamilton, MA 01936
Telephone Number: 978-626-5250
Email Address: permitting@hamiltonma.gov

July 27, 2022

Eric Mimmo
3 Beech Street
Hamilton, MA 01982

RE: 3 BEECH STREET - CEASE & DESIST – BP-21-135

Dear Mr. Mimmo:

It has come to the attention of this office that work proceeding under the above referenced building permit is in violation of a Special Permit granted by the Hamilton Zoning Board of Appeals in January of 2021.

Specifically the zoning relief granted was for a 1 story addition with a basement. The second story addition under construction has not been approved.

All work must CEASE & DESIST immediately, your options are:

1. Remove the unauthorized construction and comply with the Special Permit provisions.
2. Apply to the Zoning Board for relief for the additional work.

If you disagree with this action you have the right in accordance with MGL 40A, §§ 8 & 15 to appeal this action to the Hamilton Zoning Board of Appeals within 30 days of receipt of this order.

Sincerely,

Richard P. Maloney
Inspector of Buildings

NOTICE OF PUBLIC HEARING

TOWN OF HAMILTON – ZONING BOARD OF APPEALS

THE TOWN OF HAMILTON ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON WEDNESDAY, DECEMBER 2, 2020, AT 7:00 PM ON ZOOM, FOR THE APPLICATION OF AN EXTENSION OR ALTERATION OF A NON-CONFORMING USE. THE PROPERTY IS LOCATED AT 3 BEECH STREET, ASSESSOR'S MAP 66, LOT 3AA, OWNER ERIC MIMO. THE APPLICANT IS SEEKING RELIEF FROM ZONING BYLAW SECTION 4.0 DIMENSIONAL & DENSITY REGULATIONS AND REQUESTS APPROVAL TO CONSTRUCT A 21'6" X 47' ADDITION IN THE REAR OF THE EXISTING DWELLING. A COPY OF THE COMPLETE APPLICATION IS AVAILABLE FOR REVIEW BY CONTACTING THE BUILDING DEPARTMENT. ZOOM DETAILS WILL BE AVAILABLE WHEN AGENDA IS POSTED.

KIM DIETEL, CHAIR

**TOWN OF HAMILTON
ZONING BOARD OF APPEALS**

APPLICATION FOR ZONING BOARD OF APPEALS HEARING
To be completed by all Applicants

Date Submitted:

Applicant Name: Eric Mimmo Phone: 617-435-3919

Applicant Address: 3 Beech Street, South Hamilton, MA 01982

Applicant respectfully petitions the Board of Appeal for the following:

That he/she is seeking (check all that apply):

- Variance: (State Type)
- Extension or Alteration of a Non-Conforming Use, Structure, or Lot
- Site Plan Review
- Abbreviated Site Plan Review
- Special Permit: (State Type)
- Appeal of Decision of the Building Inspector
- Conversion for Temporary Living Area
- Comprehensive Permit
- Other:

Address of Property if different from Applicant Address above:

Owner of property if different from Applicant noted above:

Note: If not the owner of the property, applicant must provide proof they are either the holder of a written option to purchase the property (or) verification they have authority to act on behalf of the owner of the property.

Zoning District: R1A

Existing Lot Size: 13,650 sf

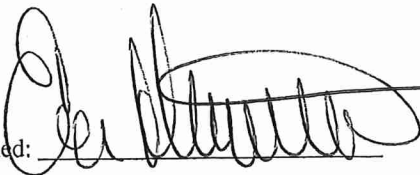
State Briefly what structures are on the property: Existing dwelling and shed

State in detail what the petitioner desires to do at said subject property:

Construct a 21'-6" x 47' addition to the rear of the existing dwelling.
The proposed sideline setback of the addition will be 10' and will not be more non-conforming than the existing structure.

State whether any petition as to the said premises has been submitted to this Board within the last five years. If so, give details:

State if any Building Permit has been granted to said premises within the past two years. If yes, give details:

Signed: 

Address: 3 Beech Street

South Hamilton, MA 01982

Phone: 617-435-3919

APPLICATION CHECK SHEET
HAMILTON ZONING BOARD OF APPEALS

EXTENSION OR ALTERATION OF NON-CONFORMING USE

8 copies of all Materials. Refer to Instruction Sheet.

Section of the Zoning By-Law covering desired Board action(s)

5.3.1

Existing Non-Conformity – Check all that apply

- Lot size
- Lot coverage
- Side yard setback
- Front yard setback
- Rear yard setback
- Frontage
- Other. Specify. _____

Extension/Alteration of a single or 2-family residential structure is allowed as a matter of right if the extension or alteration meets either of the following:

- Existing structure is on a conforming lot but is non-conforming because it encroaches on a setback. The proposed alteration or extension will not change the setbacks that fail to conform. The entire structure meets all other requirements of the by-law.
- Existing structure is non-conforming solely because it is located on a lot which is non-conforming as to size and/or frontage as a result of a zoning change. Existing structure and alteration/extension meet all other current requirements of the zoning by-law (setbacks, height, lot coverage, etc).

Visual Materials Required - Scaled drawings showing at a minimum the following

1. Site Plan: Include at a minimum:

- Plan showing total parcel of land
- Title block with Date
- Scale
- North Arrow
- All property lot lines with dimensions
- Area of parcel of land
- All building locations with dimensions of structures and dimensions to lot lines
- Location and use of all adjacent structures with dimensions to lot lines if applicant is seeking relief to construct within 20 feet of another building or if applicant is seeking to meet the average front yard setback requirements in lieu of the 25 foot setback.
- Zoning District including Watershed Protection areas and Historic District areas. If property falls within more than one district, plan shall show all district lines.
- Location of wetlands protected areas.

2. Exterior Elevations of the Building

3. Scaled floor plan of both new and existing structure



TOWN OF HAMILTON
ZONING BOARD OF APPEALS

REQUEST FOR FINDINGS OF FACT
EXTENSION OR ALTERATION OF A NON-CONFORMING USE

Date Submitted: _____

Applicant Name: Eric Mimmo

Non-Conforming Property Located at: 3 Beech Street

Note the Existing Non-Conformity (check all that apply):

- Lot Size
- Front Yard Setback
- Side Yard Setback
- Rear Yard Setback
- Lot Coverage
- Property/Building Use
- Other: _____

Will the proposed extension or alteration meet current zoning requirements:

- Yes
- No: State non-compliance of extension/alteration
The proposed addition will be less than the required side setback requirement.

Will the proposed extension or alteration further encroach on the existing non-conformity

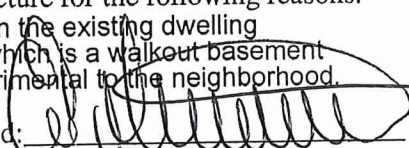
- Yes: State further encroachment
- No

Applicant shall state that the extension or alteration reflects the nature and purpose of the previous use (or) that the extension or alteration is no different in kind in its effect on the neighborhood as compared with the previous use, for the following reasons:

The proposed addition reflects the nature of the dwelling's existing use. It is an extension of the basement level of the dwelling and will be used for residential purposes.

Applicant shall state that the extension or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure for the following reasons:

The proposed addition will not be closer to the side lot line than the existing dwelling and will be a single story extension of the existing basement which is a walkout basement in the rear of the house. For this reason it will not be more detrimental to the neighborhood.

Signed: 
 Address: 3 Beech Street
South Hamilton, MA 01982
 Phone: 617-435-3919



SO. ESSEX #928 Bk:34181 Pg:137
 06/30/2015 03:00 PM DEED Pg 1/4
 eRecorded

MASSACHUSETTS EXCISE TAX
 Southern Essex District ROD
 Date: 06/30/2015 03:00 PM
 ID: 1074008 Doc# 20150630009280
 Fee: \$1,618.80 Cons: \$355,000.00

QUITCLAIM DEED

We, **Charles J. Bencal**, an unmarried man of Essex, Massachusetts and **Janice Haddon f/k/a Janice H. Bencal**, a unmarried woman, of Hamilton, Massachusetts for consideration paid and in full consideration of Three Hundred and Fifty Five Thousand Dollars (\$355,000.00), grant to **Eric Mimmo** and **Elis Mimmo**, husband and wife as tenants by the entirety of 3 Beech Street, Hamilton, Massachusetts

with QUITCLAIM COVENANTS

The land with the buildings thereon, situated on Beech Street (formerly Lake View Avenue) in Hamilton, in Essex County, bounded and described as follows:

- NORTHEASTERLY:** by Beech Street (formerly lake View Avenue), one hundred (100) feet;
- SOUTHEASTERLY:** by Los #24, #25, #26 and #27 on a plan hereinafter referred to, one hundred thirty and 02/100 (130.02) feet;
- SOUTHWESTERLY:** by land now or formerly of Luscomb, one hundred and 84/100 (100.84) feet; and
- NORTHWESTERLY:** by Lot #21 on said plan, one hundred forty-two and 98/100 (142.98) feet.

Being Lots #22 and #23 on a plan recorded with Essex South District Registry of Deeds, Plan Book 60, Plan 39.

Said premises are subject to an easement given to the Essex County Electric Company and New England Telephone Co., recorded with said Registry, Book 4216, Page 425.

The Grantor(s) hereby release any and all rights of Homestead they may have in the premises being conveyed herein and further state under the pains and penalties of perjury that no current or former spouse or civil partner is entitled to claim the benefit of any estate of homestead in and to the property being conveyed hereunder.

Property Address: 3 Beech Street, Hamilton, Massachusetts

Meaning and intending to convey the same premises conveyed to Grantor by deed dated October 4, 1985 and recorded with the Essex South Registry of Deeds in Book 7945, Page 61.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

EXECUTED, as a sealed instrument this 24th day of June, 2015

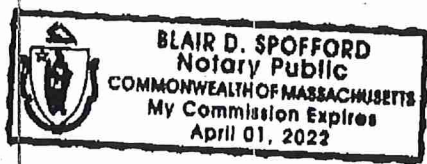
Charles J. Bencal
Charles J. Bencal

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 24 day of June, 2015 before me, the undersigned notary public, personally appeared **Charles J. Bencal** proved to me through satisfactory evidence of identification, which was ~~a known person~~ known personally to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

[Signature] 4/1/2022
Notary Public:
My Commission expires:



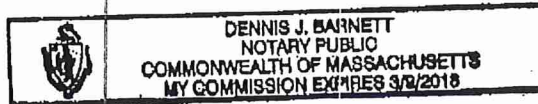
EXECUTED, as a sealed instrument this 19th day of June, 2015

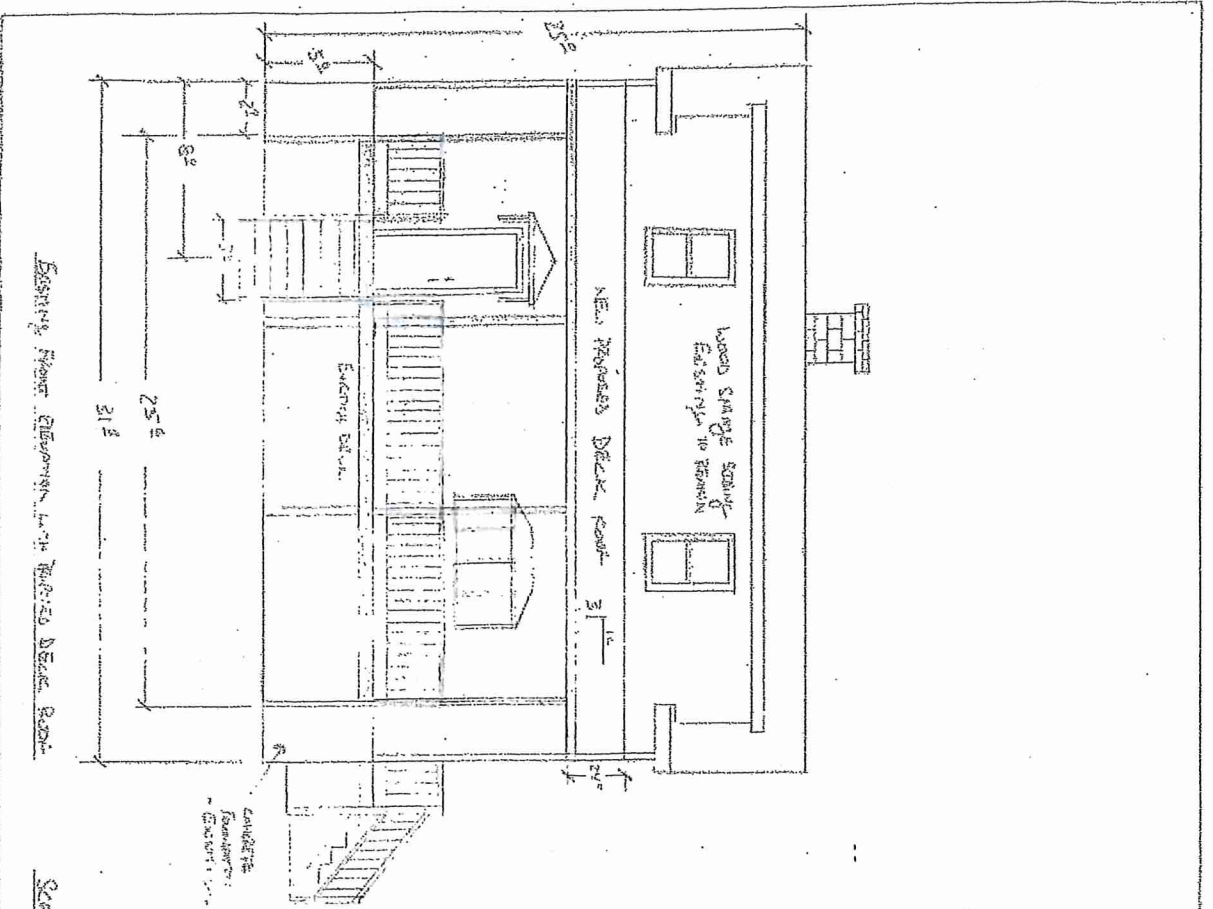
Janice Haddon
Janice Haddon f/k/a Janice H. Bencal

COMMONWEALTH OF MASSACHUSETTS
ESSEX, ss.

On this 19th day of June, 2015, before me, the undersigned notary public, personally appeared **Janice Haddon f/k/a Janice H. Bencal** proved to me through satisfactory evidence of identification, which was a Drivers License to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Dennis Barnett
Notary Public:
My Commission expires:

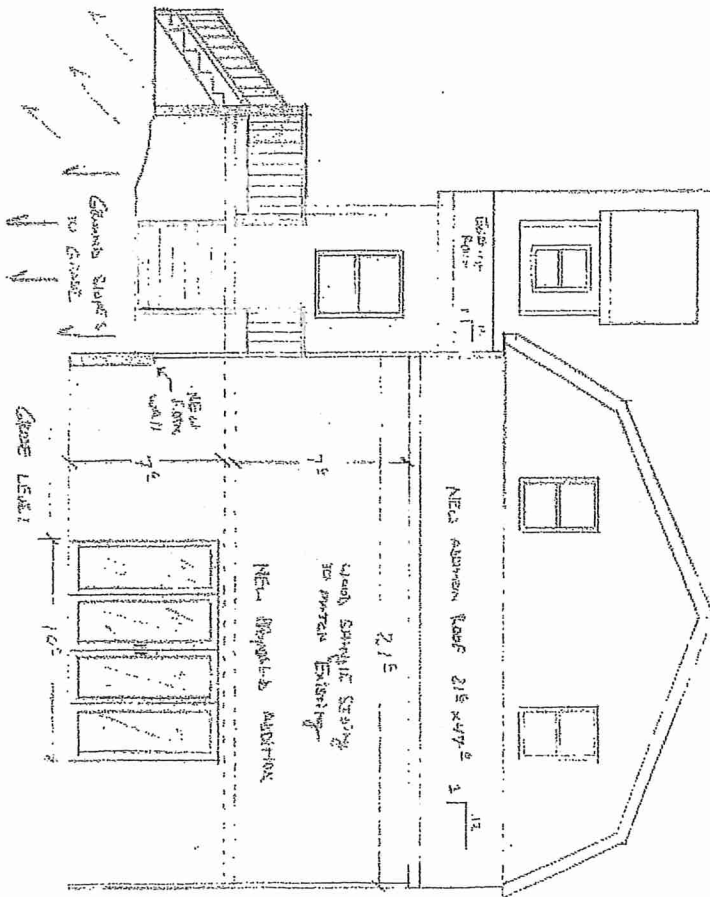




FRONT ELEVATION WITH PORCH DECK ROOF

SCALE: NO SCALE

REAR ELEVATION WITH PORCH DECK ADDITION







SCALE: NO SCALE

REAR ELEVATION WITH PORCH DECK ADDITION

Recharge Volume Required:
Soil Type: Sudbury Fine Sandy Loam (15G-B)
(.35 in x 1 1/12 in) x 1032 sf = 30.1 cf
4" Perforated pipe embedded in stone 24" Wide
x 12" Deep x 40' Total Length = 37 cf.

16E

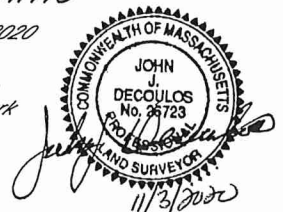
LEGEND

-  Wetland Line
-  50' No Build Zone
-  25' No Build Zone
-  100' Buffer Zone

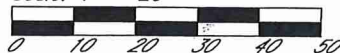
PROPOSED ADDITION HAMILTON, MA 3 BEECH STREET Assessors Map 66, Parcel 3A Owner: Eric Mimmo

Date: November 3, 2020

By: John J. Decoullos
Danvers Industrial Park
3 Electronics Avenue
Danvers, MA 01923
(978) 777-6390



Scale: 1" = 20'

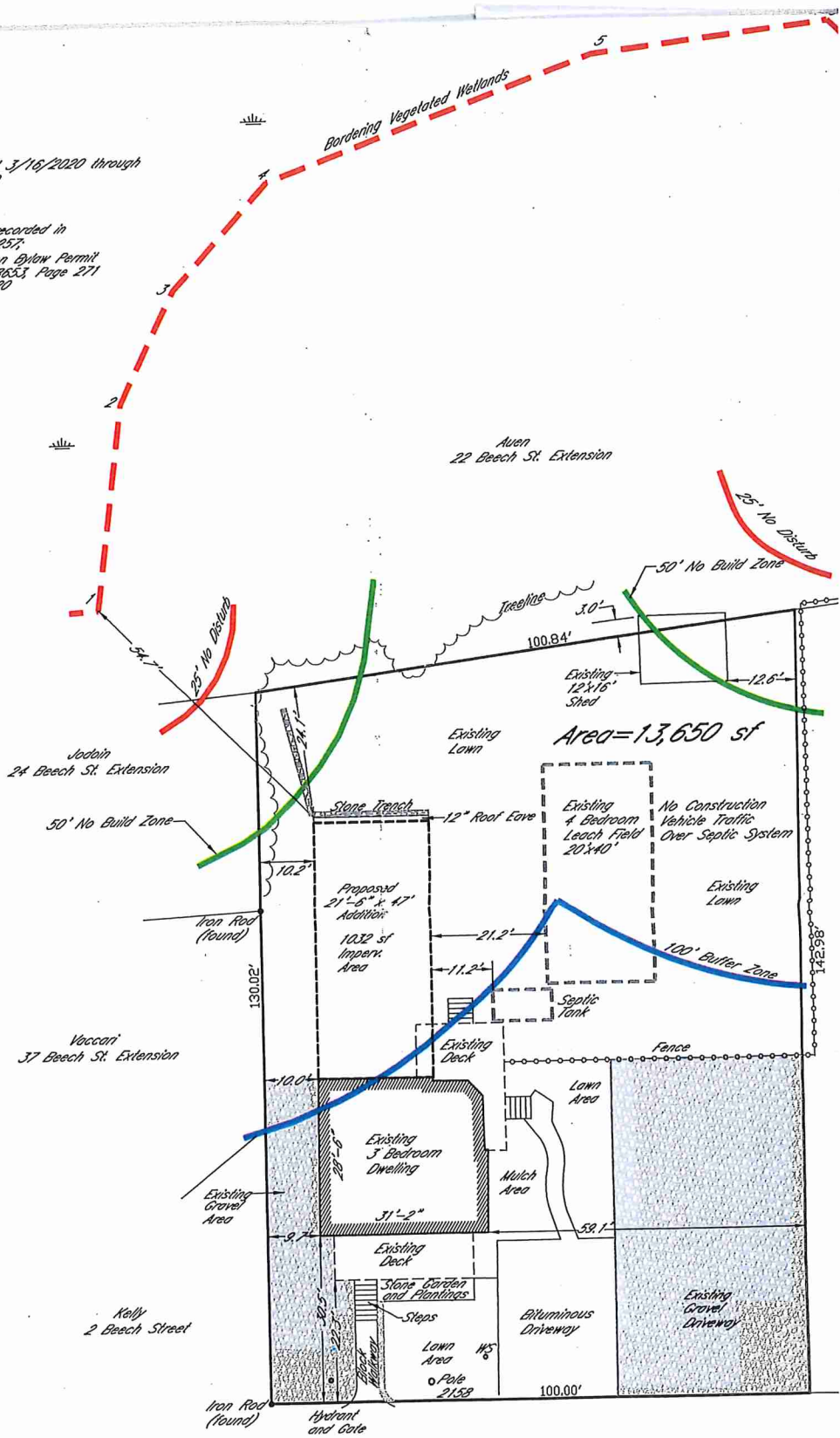
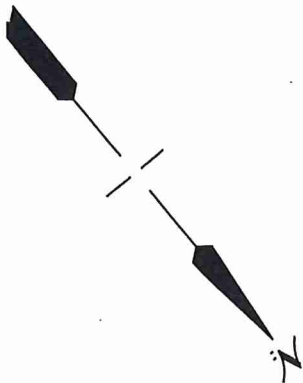


DEP File No. 172-0609
Deed Reference: Book 34181, Page 137
Plan References: Plan Book 60, Plan 38;
Plan Book 271, Plan 95

JABKS

Wetlands delineated 3/16/2020 through
and April 21, 2020

Order of Conditions recorded in
Book 38653, Page 257;
Hamilton Conservation Easement Permit
recorded in Book 38653, Page 271
issued June 22, 2020



BEECH STREET

RECEIVED
TOWN CLERK
HAMILTON, MA

2021 FEB -3 AM 11: 57



SO. ESSEX #133 Bk:39629 Pg:363
03/10/2021 09:29 DCSN Pg 1/3

Town of Hamilton Zoning Board of Appeals

577 Bay Road, Hamilton, Massachusetts 01982

Notice of Decision

Petitioner: Eric Mimmo

Property Address: 3 Beech Street, Hamilton, MA – Assessor's Map 66 Lot 3A-A

Relief Sought: Extension or Alteration of Non-Conforming Use

Pursuant to: Hamilton ZBL Section 5.3.1

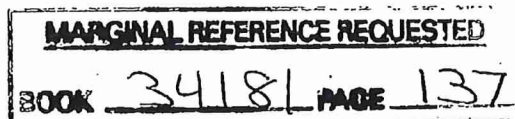
Petition Filed: November 12, 2020

Public Hearing Held: Via Zoom Public Hearing opened on December 2, 2020 and continued to, and closed on, January 6, 2021

Decision Rendered: Petition Granted

Findings of Fact:

1. There is an existing single family dwelling at 3 Beech Street which is located in the R-1A Zoning District. The lot contains approximately 13,650 square feet, 100 feet of frontage.
2. The current dwelling is non-conforming under Zoning Bylaw 4.1 Dimensional and Density Regulations, due to the required minimum side yard setback requirement on one side of the lot, the minimum lot frontage and the minimum lot are per dwelling unit.



3. The current dwelling is within the required setbacks for the minimum front yard and minimum rear yard setback requirement. On one side of the lot, the side yard setback which abuts 164 Echo Cove Road, the current dwelling is located within the minimum required setback.
4. Petitioner seeks to construct a 21' 6" x 47' addition to the rear south east corner of the existing dwelling.
5. The proposed addition will be 10' 2" from the side yard setback and will not be more non-conforming than the existing dwelling as shown on plan dated November 2, 2020, John J. Decoulos, Land Surveyor.
6. Petitioners submitted a sketch of the existing front elevation with proposed deck roof and the rear elevation with proposed addition on January 4, 2021.
7. No Petitions have been filed for this property in the last five years.

Vote of Board

Eric Salines: In Favor
Kimberly Dietel: In Favor
David Perinchief: In Favor

Appeals

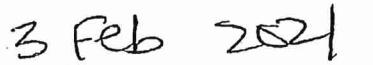
Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the filing of this Notice of Decision in the office of the Town Clerk of the Town of Hamilton.

Recording:

Under Massachusetts General Laws, Chapter 40A, Section 11, no variance or grant of a special permit shall be valid until the same has been recorded with the Registry of Deeds. It is the responsibility of the petitioner to record a certified copy of any decision of the Zoning Board of Appeals granting a variance or special permit stating that the appeal period has lapsed and that there have been no appeals or that if any appeal has been filed that it has been dismissed or denied.

THE ACTION OF THE ZONING BOARD OF APPEALS DOES NOT WAIVE OR ALTER ANY OTHER PERMIT OR APPROVAL REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO THOSE OF THE BOARD OF HEALTH, THE BUILDING INSPECTOR AND THE CONSERVATION COMMISSION.


Kimberly A Dietel, Acting Chairman


Date



TOWN OF HAMILTON
TOWN HALL
P.O. Box 429
HAMILTON, MASSACHUSETTS 01936
978-468-5570 X3
Carin A. Kale, Town Clerk

March 1, 2021

To Whom It May Concern:

I, Carin A. Kale, certify that on February 3, 2021 I received from the Hamilton Zoning of Appeals a Decision with respect to approval of this plan, and that during the 20 days next following, the Town Clerk's Office has received no appeals with respect to this Decision.

Respectfully,

Carin A. Kale
Town Clerk

Enclosure: Special Permit for Extension or Alteration of Non-Conforming Use
Decision dated February 3, 2021

cc: Town of Hamilton Zoning Board of Appeals

Town of Hamilton



BOARD OF HEALTH
577 Bay Rd., P.O. Box 429
Hamilton, MA 01936

Tel: 978-468-5579

Fax: 978-468-5582

November 27, 2020
Beech 3-1

Hamilton Zoning Board of Appeals
577 Bay Road
Hamilton, MA 01982

Re; 3 Beech Street

Dear Zoning Board of Appeals,

After review of the Hamilton Assessors records and the Hamilton Board of Health files, the existing home at 3 Beech Street is a 3 bedroom dwelling with a septic system designed for 4 bedrooms and an existing total room count of 6.

The dwelling may be increased to 9 total rooms and 4 bedrooms without upgrading the existing septic system. Furthermore, the proposed addition does not encroach on required septic setbacks.

The Hamilton Board of Health has no issues with this proposal.

Respectfully,

A handwritten signature in blue ink, appearing to read "G.P. Bernard".

Gregory P. Bernard
Wenham Septic Inspector

HAMILTON ZONING BOARD OF APPEALS
MINUTES OF MEETING
Via Zoom 815 6412 8885
Password 283847
January 6, 2021

Members Present: Kim Dietel, Eric Salines, David Perinchief

Others Present: Eric Mimmo

This meeting was called to order by Kim Dietel at 7:09 p.m. with a quorum established via zoom. Roll Call: Eric Salines – aye, David Perinchief – aye, and Kim Dietel – aye.

Continuation of the Public Hearing: for the application of an extension or alteration of a non-conforming use. The property is located at 3 Beech Street, Assessor's Map 66, Lot 3AA, owner Eric Mimmo. The applicant is seeking relief for Zoning Bylaw Section 4.0 Dimensional & Density Regulations and requests approval to construct a 21'6" x 47' addition in the rear of the existing dwelling.

Zoning Board members received Eric Mimmo's new plans from the Building Department. Eric Mimmo explained to the Board that the proposed addition would be one story and would match the existing footprint. Eric Mimmo enclosed pictures of the neighbor views due to the addition length concerns which showed a line of evergreen trees that hide the second half of the addition. Behind the house is 200 feet of wetlands so there are not any neighbors in the back. Part of the plan is to add a farmer's porch to an existing overhang in the front of the house which will not be larger than the current foundation. The Board agreed that the addition would not be a detriment to the neighbors.

Motion was made by David Perinchief to approve Eric Mimmo's plan.

Seconded by Eric Salines.

Roll Call Vote: Kim Dietel – aye, Eric Salines – aye, and David Perinchief – aye.

Unanimous in favor.

Kim Dietel will write up the approval within 10 days and submit it and then there will be a 20-day appeal period and once that passes, the permit can be obtained from the Building Inspector.

Meeting Minutes

Minutes for October, November and December meetings needed to be approved. Eric Salines commented that December minutes showed Eric Salines providing plans to Angelo Salamone which should have been Eric Mimmo instead. The minutes will be corrected to reflect this comment.

Motion was made by Eric Salines to approve October, November and December (with change mentioned above) minutes.

Seconded by David Perinchief.

Roll Call Vote: Kim Dietel – aye, Eric Salines – aye, and David Perinchief – aye.

Unanimous in favor.

Adjournment

Motion was made by David Perinchief to adjourn at 7:22 p.m.

Seconded by Eric Salines.

Roll Call Vote: Kim Dietel – aye, Eric Salines – aye, and David Perinchief – aye.

Unanimous in favor.

HAMILTON ZONING BOARD OF APPEALS
MINUTES OF MEETINGS
Via Zoom 812 4366 7862
Password 283847
December 2, 2020

Members Present: Kim Dietel, Bruce Gingrich, Eric Salines, David Perinchief

This meeting was called to order by Kim Dietel at 7:02 p.m. with a quorum established via zoom. Roll Call: Kim Dietel – aye, Bruce Gingrich – aye, Eric Salines – aye, David Perinchief – aye

CONTINUATION FOR THE PUBLIC HEARING: For the application for an extension or alternation for a non-conforming use, structure or lot submitted by Andrew & Tasha Jose. A new drawing was submitted for 32 Garfield Avenue, Assessor's Map 47, lot 144, Zoning District 1A. The new plan for the lot is 9 ½ feet by the length of the house which is 24.3 feet so it is conforming to Arthur Avenue (over 25 feet) and equally non-conforming to Garfield Avenue with about 15 feet to Garfield Avenue so it is the same as the existing structure to Garfield Avenue. Tasha confirmed that the dwelling to Arthur is 26.4 to Garfield is 15.3 so it is even with the front and the back of the house the existing structure so it is equally non-conforming.

Motion made by Bruce Gingrich to approve the plan as submitted for this meeting with the 9 ½ foot extension of the existing dwelling that is within the 24.3-foot width.

Seconded by Eric Salines.

Roll Call Vote: Bruce Gingrich – aye, Eric Salines – aye, and Kim Dietel – aye.

Two weeks are needed to write the decision and file it and then there is a 20-day appeal period at which point a permit can be obtained from the building inspector.

PUBLIC HEARING: Special permit application submitted by Ryan McShera of Red Barn Architecture for the property located at 150 Echo Cove Road, Assessor's Map 52, Lot 24, owners Kai and Ann Wucherpennig. The application request is to tear down the existing structure and rebuild a single-family structure in the R18 District. The lot is non-conforming with regard to the side yard setback as well as the lot itself is non-conforming -- does not have the required number of square feet in the lot area as well as it is short on frontage. The Wucherpennig's are seeking relief from the zoning bylaw Section 4.0 Dimensional & Density Regulations.

On the site plan provided, 20,000 square feet is required in the zone and they have just over 10,000 square feet, 125-foot frontage is required and there is only 83 feet and the proposal does not introduce any new conformities. The side yard setback is noted in the chart, 15 feet is required where there is currently only 11 feet.

Ryan showed the Board the charts with the new site plans and went over existing vs. proposed structures to be considered. They have already received approval from Conservation Commission as well as Board of Health for Septic Design. The plan has been shared with many of the neighbors and did receive letters of support from several including Bill and Ann Howe at 138 and 140 Echo Cove Road, William and Heather McDonald at 167 Echo Cove Road and Heidi Chisolm at 164 Echo Cove Road.

Eric Salines explained that they are applying for a special permit vs. a variance because it is a safety hazard and an eyesore and they are not adding any new non-conformities. Bruce Gingrich said there are really no changes other than extending the non-conformity on that north wall.

Motion made by Eric Salines to tear this residence down and construct a new building in its place.

Seconded by Bruce Gingrich.

Roll Call Vote: Bruce Gingrich – aye, Eric Salines – aye, and Ki – aye. Unanimous in favor.

Kim Dietel will write up the opinion within 2 weeks and then after a 20-day appeal period, permits can be obtained from the building inspector.

PUBLIC HEARING: For the application of an extension or alteration of a non-conforming use. The property is located at 3 Beech Street, Assessor's Map 66, Lot 3AA, owner Eric and Elis Mimmo. The applicant is seeking relief from Zoning Bylaw Section 4.0 Dimensional and Density regulations and requests approval to construct a 21'6" x 47' addition in the rear of the existing dwelling.

Owners are proposing a back addition that is roughly 21.6 feet in width and 47 feet in length with a one-foot overhang off the back. The single-story addition with a full foundation is conforming to existing home which is currently non-conforming to the lot itself but it stays with the same line going down on the left side of the property. The current home at the front of the house is approximately 9.7 feet and at the end of the existing home is 10 feet and at the end of the proposed edition, it is 10.2 feet on closest neighbor's side. Roughly from the backlot corner, the actual structure with the foundation and structure will be 25.1 feet with an encroaching 1-foot roof eave overhang off the back and that puts it in 24.1 feet off the back corner of the lot line. Conservation has already reviewed it and approved the plans. The board agreed that the 1-foot overhang would not be a problem.

On the short side there are neighbors that own property that abut the fence, all three neighbors have their septic systems that are built up against the property line and all three septic systems encroach 15 feet from the property line so it is not buildable land that the Mimmo's will be building up against. After the septic systems, there is a right-of-way, private easement street and then their three homes are on the other side on the lake side.

Neighbor Denise Bisailion is at 37 Beech Street extension and Denise Kelly abuts the Bisailion's at the fence and Michael is on the other side of the road, not the lake side of the road. Number 2 is Kelly and #37 is Bicari and #24 is Michael Jordan who is on the same side but the private road is in front of his house. The land that is next to Mimmo is encased with his septic system. He can't build anywhere near that because his septic system along with other 2 septic systems are all in line abutting Mimmo's property line.

Open to public –

Denise Kelly at 2 Beech Street questioned the process with zoning bylaws regarding 15 feet back and that town hall was pretty firm that you generally had to keep within the bylaws unless there was a big hardship impact and looking at Eric's plans, it doesn't look like that much of a hardship to shift 5 feet so that it conforms with the towns bylaws.

Kim Dietel explained that because the existing structure is only 10 feet, you can continue a non-conforming.

Denise Kelly explained that the existing is 30 feet and he is going to put an additional 47 feet so he will be more than doubling the length that is right up against the property line. Denise questioned whether the structure needs to be 21 feet wide.

Eric Mimmo explained that his understanding is that he is allowed to build to match existing non-conforming structure and build an addition in conforming territory which would mean it would be approximately 16 feet by 47 feet and would not make them any closer. They would actually be gaining on the back corner of their lot as the existing home is 10 feet from the property line and the back corner will actually be 10.2 feet. They will be staying on the exact footprint as their home, will be just continuing it straight down.

Setback requirement of the leach field to the structure is thought to be 11.2 feet from the tank and 10 feet from the field and right now they are at 21.2 from the field.

Angelo Salamone the Building Inspector explained that extending the lot line of something that is non-conforming, as case law states, cannot become more non-conforming as it is already non-conforming. Therefore, the challenge is the decision may not withstand an appeal. Tricia Bicari of 37 Beech Street extension is concerned that the bylaws were not followed although the Mimmo's home was built in 1973, 20 years after the bylaws were put in place and yet it was built 9 feet from their property line which should be 15 feet and now there is a proposal to put an extension on that is larger, longer than the existing house.

Kim Dietel explained that if the lot is already non-conforming, the law allows them to continue that line and not be any more non-conforming.

Angelo Salamone explained to not respect the right to extend the applicant could appeal the decision because it would not withstand an appeal. Therefore, the applicant could bring the board to land court and sue according to case law.

Denise Kelly questioned why it had to go to an appeals court and Angelo Salamone explained that any non-conforming structure cannot be applied without going through the ZBA, they have to talk to the board before they change.

Bruce Gingrich explained that at 5.3, Non-Conforming Structures says "the Zoning Board of Appeals made by finding allow change to a non-conforming structure in accordance with this section, only if in terms that such change shall not be substantially more detrimental than the existing non-conforming structure to the neighborhood." That is where decision has to be made. There seems to be a lot of structure that is being added on to the non-conformity which can be detrimental to the neighbors.

Sheila Lang at 1 Beech Street, directly across the street questioned whether it is a Zoning Board question or a Town of Hamilton question in terms of septic system and how many bathrooms you can have and how many people can live there. She asked what the purpose of the big structure is and whether it will be living quarters or garages. She believes there are already 3 bathrooms in the house and she is not sure what the septic allows and also asked if the Conservation Commission would have to go into that or is it Zoning?

Bruce Gingrich explained that they would have to see plans and the Building Inspector would have to monitor it to make sure that additional bedrooms are not added because it is bedroom count, not bathroom count. More than a footprint plan would be needed with renderings showing what they are proposing to build and then the Building Department and the Board of Health are going to have to verify it's use.

Angelo Salamone explained that the height would be the Building Inspector and the number of bedrooms and rooms would be the Board of Health. Those factors would be used for the determination of the septic size.

Board would need a more detailed drawing with dimensions, descriptions and include windows, bushes, etc., and would need to meet the requirements of the Building Department and the Board of Health before a decision can be made. Detailed drawings would include existing exterior elevations and the proposed, the inside would be more a Board of Health purview. Neighbors should get to see and have input should it be detrimental.

Eric Mimmo explained that it would be a single-story addition, the current home is a 2-story addition so the elevations are going to be even less non-conforming than the current non-conforming home. Eric showed the Board drawings that he has and will give the Board copies.

The decision will have to be continued to the next meeting on Wednesday, January 6, 2021 at 7 p.m. so that everyone who would like to look at the drawings has a chance to see them.

Eric Mimmo will email the pdf drawing to Angelo Salamone who will send them out to the Board. Neighbors can contact Mary Ellen Feener and the drawing can be printed out up to 11 x 17.

Motion made by Eric Salines to continue this application to the January 6, 2021 meeting to reconsider construction of a 21.6 x 47-foot addition to the rear of the existing dwelling.
Seconded by Kim Dietel.

Roll Call Vote to table decision until the next meeting: Eric Salines – aye, Kim Dietel– aye, David Perinchief– aye

Minutes will also need to be approved at the January 6, 2021 meeting.

Adjournment

Motion made by Eric Salines adjourn at 7:56 p.m.

Seconded by David Perinchief

Roll Call Vote: Eric Salines – aye, David –Perinchief – aye, Kim Dietel – aye

Prepared by:

Ann Schlecht

Attest

Date