

**HAMILTON ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
February 1, 2023  
7:00 p.m.  
Hybrid/Zoom Meeting 854 6727 0142**

**Members Present:** Bill Bowler (Chairman), Steven DeRocher, Bruce Gingrich (via Zoom at 7:20), and David Perinchief.

**Others Present:** Patrick Reffett and others as noted in the meeting.

This meeting was called to order at 7:04 pm with a quorum established.

**PUBLIC HEARINGS**

**The razing and reconstruction of a single family dwelling. The new building would be larger than the existing structure. 140 Echo Cove Road. William Haugh, owner.**

Bill Haugh was present via zoom to explain the proposal. Two small houses (700 sf and 1,200 sf) existed on the site when Mr. Haugh purchased the property. After the smaller cottage was renovated, the builder (Mike Broderick) suggested tearing down the house to the foundation.

The proposal included maintaining the same foundation but cantilevering the front and back to gain 18" on the east side facing Chebacco Lake and 12" on the street side. Bill Bowler opined that the proposal was an extension of a non-conformity and not a variance. The Conservation Commission had previously approved the proposal as long as the foundation was not disrupted or expanded. A decision was issued a year prior regarding the other dwelling on the property. No other construction projects would be forthcoming.

Motion made by to grant the extension of the non-conforming use under 5.5.1.3. by David Perinchief.

Seconded Steven DeRocher.

Vote: Unanimous in favor.

**Variance from the dimensional and density regulations for rear and side yard setbacks to construct a deck at the rear of the dwelling. 57 Gregory Island Road. Jenny Lobue and Josh Bogle, owners and Robert Scioli, applicant.**

Robert Scioli was present to explain the application. The deck would be expanded. The closest point of the three season porch would be 6' and the greatest distance would be 11' to the property line. The current deck was 14.9' from the property line. The application was not considered a variance as an existing non conformity was present. The ZBA had the authority to increase the nonconformity. The closest home was 200' away.

Motion made by David Perinchief to grant the special permit under Section 5.3.4.5. as requested.

Seconded by Steven DeRocher.  
Vote: unanimous in favor.

**Board Deliberations and Vote for ) a Comprehensive Permit for a 45 unit multifamily housing project at 440 Asbury St./466 Highland St. The Britton Family Trust, LLC (owners) and Harborlight Community Partners (applicant).**

George Pucci (Town Counsel) had been ill and unable to provide a draft Decision for the Board to consider. Members agreed that no one wanted to deny the proposal so discussion ensued regarding possible conditions. Members agreed that planting more evergreens for screening and providing a photo from house unit 6 on the abutting property would need to be provided.

Bill Bowler and David Perinchief agreed that the plan would be improved if the trash removal area was relocated to the other side of the building. Members discussed the possibility of a berm to buffer the neighbors but it was agreed that vegetation would be impacted by increasing the depth of soil in the area currently populated by trees. Attorney Bowler noted that a peer reviewer could determine the benefits versus impacts of the concept. Patrick Reffett noted that he did not have an engineered cost of sidewalk costs to date.

Potential conditions for the draft decision would include needing test pits in spring and that the land being used for septic was approved by Essex County Greenbelt. Patrick Reffett suggested asking the applicant for at least a 30 day extension.

Motion made by Bruce Gingrich to continue the public hearing for 66 Highland St. until March 1, 2023.

David Perinchief seconded.

Roll Call Vote: Bruce Gingrich -aye, David Perinchief - aye, and Bill Bower - aye. Unanimous in favor. Discussion would include the draft conditions on the project's potential approval.

**REGULAR BUSINESS**

**Minutes**

Motion made by Bruce Gingrich to approve the minutes of January 4, 2023.

Seconded by David Perinchief.

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

**ADJOURNMENT**

Motion made by David Perinchief to adjourn at 7:39 pm.

Seconded by Steven DeRocher.

Vote: Unanimous in favor.

Respectfully submitted as approved at the March 1, 2023 meeting.

*Bill Bowler*