



Town of Hamilton  
Zoning Board of Appeals  
Meeting Minutes of February 7, 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 of Appeals members, a meeting of the Hamilton Zoning Board of Appeals was posted for February 7, 2024 at 7pm in Memorial Hall, 577 Bay Road. This meeting was held in person (and was accessible by Zoom as a courtesy for the public).

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

**PUBLIC HEARING:** The application is for the property owned by Jeffrey Allsopp, 11 Blackbrook Drive, Hamilton, for the property located at 25 Gardner Street, 925 Bay Road, 0 Moulton Street, Rear, Assessor's Map 24, Lots 26 & 34. Applicant is seeking a Finding under Zoning Bylaw Sections 5.2 & 5.3 to create individual lots for existing non-conforming uses & structures

The Chair noted that it had been suggested to him that he may have a conflict of interest in this hearing as he is doing construction on a house two doors down. He did not believe it to be a conflict, but will file the required paperwork to be sure.

Jeff Allsopp at 11 Blackbrook Rd spoke the fact that he is in the process of purchasing this 57-acre property, which is an iconic property in Hamilton. There are structures on this portion of the property within a conservation restriction area. The conservation restriction covers all of the property and it is not going to be developed outside of the two building envelopes. He stated that they are dividing the property, not sub-dividing it. There are buildings on the corner deemed historic that he wanted to demolish. The Historic District Commission (HDC) wanted the gray house on the corner to stay, and a demolition delay has been filed. The agreement with the Historic Commission is that the other structures on the property are not historic and are not worth saving. He referenced a map on posterboard showing the full property.

A Board member opined that they are making a decision on a property the applicant intends to buy, but has not purchased. The applicant noted that the purchase would change it from a non-conforming lot to a conforming lot. The Board expressed concern that if they make a decision on a property that the applicant doesn't own yet, it may put them in the position of being at "fault" if the deal then does not go through based on their decision. The applicant's attorney, Philip Lake, clarified that the Board is protected by statute from his client suing them for damages. He believes what his client is requesting will decrease the non-conformity and bring the lots more into conformity. The Board felt comfortable moving forward.

Scott Clements, Chair of the Historic District Commission spoke to the importance of keeping the grey house and the barn on the property. He noted the structure and the foundation have rare historic value. The plan was submitted because of the request to demolish, and the HDC invoked the demolition delay because of how strongly the Commission felt about keeping the historic structures and the visual appeal of the property. The applicant came back with the new plan before the Board tonight, which is non-conforming, but achieves the goal of creating the two lots he needs as well as preserving the structures. There are two other structures the HDC does not have purview over. The HDC is in favor of the current application as it preserves the historic structures, which are important to the visual character of the town. The demolition delay is only for one year, after that the structures could be torn down and the HDC would not have any say over it as it falls outside the historic district.

A resident at 62 Gardener St asked why the lots couldn't be divided into two 40,000 square foot lots, instead of the non-conforming request. The resident and J. Allsopp had some discussion over the proposed lot lines.

Beth Macleod, 4 Bancroft Way, asked for clarification of the conservation restriction on the property. Attorney Fields clarified on the map what areas could not be developed or have buildings added, and that it is part of the title to the deed and is passed on from one owner to the next.

Tom Sears, 141 Gardener St commented on the historic value of the buildings, especially the building on the corner, noting that it is a real eyesore and is a danger to live in due to its proximity to the street. He opined that Hamilton would be better without it.

***Vote:** The Board voted unanimously to allow the request based on the preservation of the historic buildings that was presented and the explanation of the easements.*

**Regular Business:**

- Updates from the Chair – There were none.
- Meeting Minutes – There were none.

**Adjournment:**

***Vote:** The Zoning Board of Appeals voted unanimously to adjourn at 7:50PM.*

*Respectfully submitted by*

*D. Pierotti, Recording Secretary*

*2/12/24*

*The minutes were prepared from video.*