



Town of Hamilton
Zoning Board of Appeals
Meeting Minutes of September 6, 2023

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 September 6, 2023 at 7pm in Memorial Hall, 577 Bay Road. This meeting was held in hybrid format (in person/Zoom).

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: Steven Derocher, Bruce Gingrich (Chair), and Andrea Philip.*

Also present: Patrick Reffett, Director of Planning & Inspectional Services, and others as noted.

PUBLIC HEARING: *For the property owned by Paul Thober, located at 438 Asbury Street, Assessor's Map 37, lot 43. Applicant is seeking approval for a Special Permit for the Conversion to a two-family dwelling under Zoning Bylaw 3.5: Conversion to Two-Family Dwelling and a Variance for specific dimensional interior requirements under Zoning Bylaw 3.5.3.1.*

Attorney Russ Brown of the law firm Metaxas Brown Pidgeon LLC spoke on behalf of the property owner. When the property was purchased a year ago, it was set up as a two family, and at the time of purchase, they were not aware that it was not a legal apartment. The intention is to renovate the house and the owner would like to keep the apartment viable as well. They believe there are grounds for a special permit so that it can be converted to a legal two-family. Paul Thober is the owner of the property and of the Weathervane restaurant in Hamilton and would like to have the two units as affordable housing for his employees, rather than occupying the house himself. The request for a variance for the small apartment is because it is under the required square footage. P.Thober spoke to his desire to create affordable housing for his employees. He has a long-time employee who will live there and will rent to buy the property over time.

The ZBA expressed concern over setting a precedent for the neighborhood by allowing a two family. One of the Board members suggested creating a co-owner agreement to negate the need for a special permit. The Board requested that P.Thober look into drawing up legal paperwork to demonstrate that the person who will be living there has a vested interest in the property in terms of renting to own, to demonstrate ownership. The Board was reluctant to grant the special permit without an owner-occupied unit. R.Brown then suggested they remain with an owner-occupied unit, which would conform with the bylaws and negate the need for the variance.

Vote: *The Board voted unanimously to grant the special permit for the accessory apartment for 438 Asbury St.*

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 7:40PM.*

Documents Discussed:

- Application for special permit

*Respectfully submitted by
D. Pierotti, Recording Secretary
11/13/23*

The minutes were prepared from video.