



Georgetown Zoning Board of Appeals
Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

MINUTES OF A PUBLIC HEARING
5 Harris Way– ZBA FILE #11-07
Peter & Gail Lawler
Special Permit – Accessory Apartment
September 6, 2011

Board Members Present: Jeff Moore, Chairman
All Voting: Paul Shilhan, regular member
Gina Thibeault, regular member
Sharon Freeman, regular member
Evan O'Reilly, associate member

Zoning Clerk: Patty Pitari
Absent – Dave Kapnis

Applicants – Peter & Gail Lawler

J. Moore opens the Hearing at 7:30. G. Thibeault read the legal ad; an application has been made by Peter & Gail Lawler of 5 Harris Way, Georgetown, Ma, 01833 for a Special Permit under; M.G.L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 11, 69 and 79 for an accessory apartment in the basement of an existing dwelling. The premises affected is 5 Harris Way in the RB district and identified on Assessor's Map 17, Lot 117J.

J. Moore introduced the board and noted the voting members.

Applicants Presentation:

P. Lawler -- Introduced his wife Gail. My 81 year old father in-law and my mother in-law is in a nursing home so he is currently living alone. We would like to add the in law apartment for him to with my wife and I, this allows him to have his own independence but at the same time have his family nearby if needed.

Patty noted that this was a PUD, Planned unit development thru Planning, so if you notice the setback on the plot plan is too close its not, when it was created thru planning the setback where changed so the side setback of 19 ft. is fine..

Proposed basement plan dated June 2011, signed by Richard Dembowski, marked drawing 1-1, will be marked as Exhibit A. Existing dwelling plans sheets A1 -8, marked as Exhibit B, and Plot plan and Exhibit C is the plot plan dated December 4, 2006 by John Paulson, Professional land surveyor.

Plans A-8, and septic plan modified with Board of Health, sheets SE1 and SE-2, BOH had him add a pipe.

Board Questions/discussion

J. Moore asked if there is a separate entrance.

P. Lawler – No.

P. Lawler – We have been approved by the board of health, and you have those plans in the application.

J. Moore – Noted to the board we are looking at 165-69 and they would need to meet those requirements, this is not too difficult as you are not building out and keeping it within the existing dwelling.

J. Moore – These special permits go with the owners, not the property. Any transfer or sale would have to come back before the board.

P. Shilhan – This is very straight forward, he meets all the requirements.

J. Moore – This plan is what you have to do, and not deviate from the plan.

New Correspondence

None

Audience

None

VOTE ON SPECIAL PERMIT

Motion – G. Thibeault/P. Shilhan I would like to make a motion that the board vote to grant a special permit to Peter & Gail Lawler at 5 Harris Way under MGL Chapter 165 Sections 9, 11, 69 and 79, to construct an addition with for an accessory apartment, the board finds the application meets the requirements of Chapter 165-69 (a-g), and the addition does not exceed the greater of either 700 sq. feet or 33% of the livable floor area of the primary building. The total square footage of the accessory apartment shall be 688 square feet.

The board also finds the application meets 165-79; that the requested use and alterations is essential or desirable to the public convenience and welfare; will not overload any public water or other municipal system so as to unduly subject any area to hazards affecting health, safety or general welfare, will not impair the integrity or character of the district or adjoining districts, and will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

This Special Permit shall have the following Conditions:

1. The Accessory Apartment only be occupied by relatives only, not to be used as a rental property and the primary dwelling must be owner occupied per bylaw Chapter 165 §69 (b).

2. If the house is sold or transferred the special permit lapses and the new owner must apply to the board for a new special permit.
3. Be built as per plan submitted proposed building plans, proposed basement plan dated June 2011, signed by Richard Dembowski, marked drawing 1-1, will be marked as Exhibit A. Existing dwelling plans sheets A1 -8, marked as Exhibit B and plot plan marked as Exhibit C, dated December 4, 2006 by John Paulson, Professional Land Surveyor.
4. The apartment shall be inspected by the Building Inspector before Occupancy; per Chapter 165-69 (d).

There was no discussion, all in favor, Motion carried.

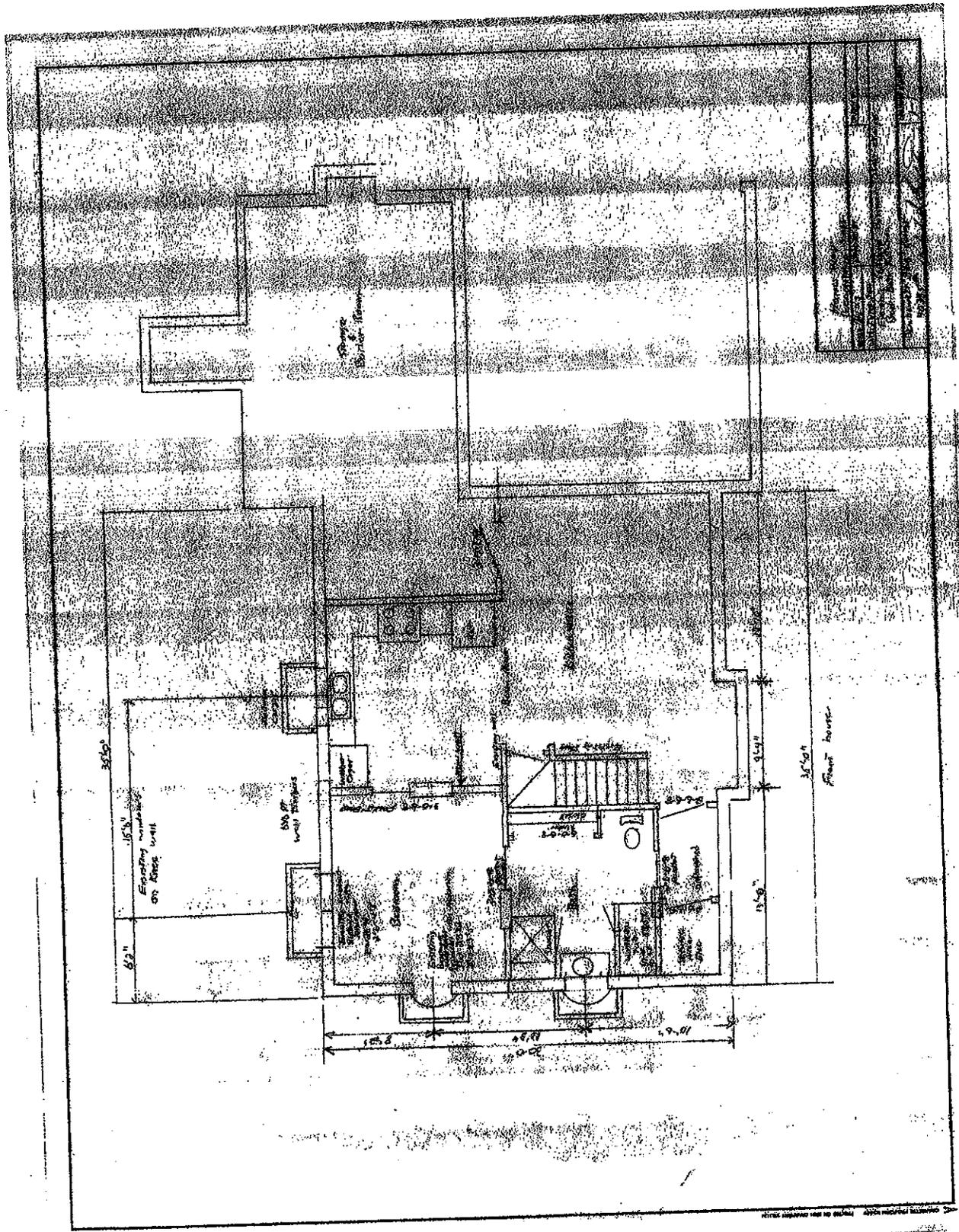
Special Permit was granted unanimously 5-0 in favor of the Special Permit with 4 conditions.

J. Moore – The Zoning clerk has 14 days to file a decision any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk. An applicant may file this decision before the 20 days, but does so at their own risk.

Motion – E. O'Reilly/G. Thibeault to close the hearing at 7:50pm, no discussion, all in favor, Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved 10-4-11



NOT TO SCALE