



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

**MINUTES OF A PUBLIC HEARING**

**Jason & Jamie Nadeau of 258 E. Main Street, Georgetown MA,**  
P & Sale agreement with co-applicant's Cathleen Chenel of 7 Patriot Lane, unit 21, Georgetown, MA,  
and Richard & Theresa Chenel of 22 Timberline Drive, Tilton, NH, 03276  
**1 Harmony Lane - ZBA File - #13-09**  
**Special Permit – Accessory Apartment**  
**March 5, 2013**

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Board Members Present: P. Shilhan, Chairman  
Gina Thibeault, regular member  
Sharon Freeman, regular member  
Jeff Moore, associate member  
Paul Shilhan & Dave Kapnis

Zoning Clerk: Patty Pitari  
Owner: Jamie & Jason Nadeau, 258 E. Main St  
Applicant; Cathy Chenel – Buyer with P & Sale agreement

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P. Shilhan opened the hearing at 7:30pm and stated the Board of Appeals will conduct this meeting according to rules laid out in Chapter 40A of the General Laws of the Commonwealth of Massachusetts, Roberts Rules of Order and its own particular set of rules, entitled Rules of Procedure, a copy of which is on file with the town clerk, another copy is available from the clerk at this meeting. This meeting is being taped recorded for the purpose of taking minutes.

S. Freeman read legal ad; A Public hearing will be held on **March 5, 2013**, at the Georgetown Town Hall 3rd Fl. Meeting Room at 7:30pm, for an application filed by current owner; Jason & Jamie Nadeau of 258 E. Main Street, Georgetown MA, who have a Purchase & Sale agreement with co-applicant's Cathleen Chenel of 7 Patriot Lane, unit 21, Georgetown, MA, and Richard & Theresa Chenel of 22 Timberline Drive, Tilton, NH, 03276 who wish to occupy the accessory apartment for the property located at 1 Harmony Lane, (new single family dwelling), Georgetown MA, 01833 which requires a Special Permit under; M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 78 & 79 for an accessory apartment in new single family dwelling. The premises affected is 1 Harmony Lane, in the RA district and identified on Assessor's Map 10B Lot 13A. *ZBA file #13-09*

**Applicants Presentation:**

Jason Nadeau - We built a single family home at 1 Harmony lane, and Cathy Chenel wishes to purchase the home and we have a P & S with her on the condition of the accessory apartment.

P. Shilhan – Did you build the home for them, how did that work?

Jason - We built 3 Harmony last year also, and Cathy had come by then and showed interest and we put up the second one, and she wanted to buy and asked about apartment for her parents.

P. Shilhan – Did you purchase it from the Gatchell's?

Jason – Yes we purchase both lots at once, the first one is already sold.

**New Correspondence - None**

**Audience - None**

**Questions from the Board**

P. Shilhan – So from the plans the apartment is in the basement, so you have made it so it doesn't look like an apartment is in there from the outside.

G. Thibeault – Will they be entering through the main dwelling, and going to the basement that way or is the entrance in the back?

Jason – Yes, the entrance is in the back.

S. Freeman notes on the location on the plan.

J. Moore – Can you tell us about the living arrangements.

Cathy – I will be living in the home, with my 3 kids, and my parents will be living in the basement.

J. Moore – Special permit for accessory apartments go with the owner not the property, and it is not to be a rental property it has to be a blood relative and if it is no longer needed it will have to go back to a single family layout.

G. Thibeault – Is the 194 sq. ft. room part of the apartment.

Jason – No, it's separate.

G. Thibeault – It looks confusing on the plan, it should be marked bedroom not just room.

P Shilhan marks the sheet so it is clear, and marked Sheet #8 as Exhibit A. Proposed plans drawn by Colonial Drafting, Alan Carroll dated January 29, 2013 -Sheet #8 -- shows basement accessory apartment.

P. Shilhan – Questions the applicant about the window, in basement.

Jason – We are going to cut in the foundation and install a full size window so it will have a window well, by code we have to.

Cathy – Where the stairs are showing, the bulk head right now will be an entry, where the stairs are now.

J. Moore – What is the actual size of the accessory apt.

G. Thibeault – 645 sq. ft.

D. Kapnis – Are there any handicap issues.

Cathy – Not currently, my parents are in their 70's, eventually, the bathroom will have some adjustments.

G. Thibeault – Is one of the garage spots be your parents.

Cathy C. – Yes.

J. Moore – Is there additional parking in the driveway.

Cathy C. – Yes in front before you get to the garage.

J. Moore – We have been doing a lot of these accessory apartment, this one is a nice design.

**Motion** - J. Moore/D. Kapnis to grant a Special Permit to Jason & Jamie Nadeau of 258 E. Main Street, Georgetown MA, who have a Purchase & Sale agreement with co-applicant's Cathleen Chenel of 7 Patriot Lane, unit 21, Georgetown, MA, and Richard & Theresa Chenel of 22 Timberline Drive, Tilton, NH, 03276 who shall reside in the accessory apartment located in the Basement of the dwelling at 1 Harmony Lane, Georgetown MA, 01833, Map 10B, lot 13A in the RA District; under M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 78 & 79, for an accessory apartment in a new single family dwelling. Finding the application meets the requirements of Chapter 165 Section 69 (a-g), and the apartment does not exceed the greater of either 700 square feet or 33% of the livable floor area of the primary building. The accessory apartment shall be 645 square feet.

J. Moore – I further move that the Board further find that the special permit application for an accessory apartment meets Zoning Bylaw 165-79 (a-d), being the requested use and alteration 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 be occupied by relatives of the owner 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, transferred or if there is any change in occupancy the special permit lapses and the new owner must apply to the board for a new special permit.
3. The apartment shall be inspected by the Building Inspector before Occupancy; per Chapter 165-69 (d).
4. Be Built per plans submitted in the ZBA application; Plot Plan certified by Robert M. Grasso P.L.S., P. O. Box 41, West Newbury, MA 01985, dated 1/9/13 and Floor Plans drawn by Alan Carroll of Colonial Drafting, dated January 22, 2013 and Sheet #8, marked as Exhibit A dated 1/29/13 of the plans locates the Accessory Apartment in the Basement of the residence.

**Discussion:** - J. Moore – We need to put it in Cathy's name, I will make an amendment.

**Amendment:** J. Moore made a friendly amendment to that the permit should read granted to Cathy Chenel and her parents, Richard & Theresa Chenel of 22 Timberline Drive, Tilton, NH, 03276, will reside in the accessory apartment, (not co-owners) at 1 Harmony Lane. Seconded by D. Kapnis, all in favor. Amendment carried.

Vote on Main Motion- All in favor 5-0. Special Permit is granted unanimously.

P. Shilhan - 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.

**P. Shilhan - Lapse of Permit** - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than two years, which shall not include such time required to pursue or await the determination of an appeals referred to in Section 17, if a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by such date except for good cause.

**Motion** – G. Thibeault/S. Freeman/G. Thibeault to close the hearing for 1 Harmony Lane all in favor. Motion carried.

*Patty Pitari*  
*Zoning Administrative Assistant*

*Approved*

4-9-13