



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

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**MINUTES OF A PUBLIC HEARING
ZBA FILE File #14-04
Special Permit – Accessory Apartment
9 Lakeridge Drive, Georgetown MA,
Dana & Keiko Skinner
October 1, 2013 @ 7:30pm**

Board Members Present:

Paul Shilhan, Chairman
Gina Thibeault, regular member
Jeff Moore, regular member
Dave Kapnis, regular member
Absent Member : Sharon Freeman

Zoning Clerk: Patty Pitari

Applicant present: Keiko Skinner

P. Shilhan opened the Hearing at 7:30pm, and read the Rules of Procedure paragraph.

D. Kapnis read legal ad; A Public Hearing will be held on October 1, 2013, at the Georgetown Town Hall 3rd Fl. Meeting Room at 7:30pm, for an application filed by current owner; John Enos of 9 Lakeridge Drive, Georgetown MA, Trustee of the Enos Family Trust, Georgetown MA who have a Purchase & Sale agreement with Dana & Keiko Skinner of 129 Kingsbury Ave., Haverhill, Ma 01835. The occupants who wish to occupy the apartment are; Bruce and Carol Skinner of 41 Oakhill Rd. Shapleigh, ME 04076 for the property located at 9 Lakeridge Drive 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 an existing single family dwelling. The premises affected is 9 Lakeridge Drive, in the RA district and identified on Assessor's Map 6D Lot 96.

The Skinner's closed on the property on 8/28/13 and now own the property.

Chairman Paul Shilhan introduced the Board members.

Applicants Presentation:

Keiko – The apartment is for my husband's parents who are in their 80's and no longer can do the day to day things, they have some health issues that we can help them. So we are requesting the in-law apartment. I made some changes to the calculations, it's now 424 sq. ft., we changed the closet out of the mechanical room to make the door opening to fit a wheel chair. The washer and dryer are now flush to the wall. The Accessory Apartment is located in the Basement of the residence.

The applicant Marked the Basement plan to reflect the change she made for the door, wheelchair.

P. Shilhan – It has a walk out basement? How will they come out?

Keiko – Yes there is a sliding glass door also, in the future our plan was to put a chair lift for stairs.

J. Moore – Are you making changes to the exterior to the home.

Keiko – No.

J. Moore – Are your husband parents still driving?

Keiko – Yes.

J. Moore – I was asking about parking.

Keiko – We do have parking and a 2 car garage and outside 2-3 cars can fit.

D. Kapnis – Is there going to be an egress from the garage, so they don't have to go out the back. Because what happens in the future, and maybe put a door to the garage.

Keiko – There is a door at the back of the garage. The possibility is there.

Discussion on Egress followed.

Plans – Marked

Plot Plan certified BME Engineering, Inc., 9 Walnut St., Saugus MA, dated June 18, 1988, marked as Exhibit B. Basement Plans drawn by the applicants Dana & Keiko Skinner, Marked as Exhibit A. And was amended to make the doorway wider to accommodate a wheel chair. The existing house total sq. ft. = 2,474 sq. ft., the total of the accessory apartment in the basement will be 424 sq. ft.

See list of Exclusions in application.

New Correspondence – P. Shilhan read into the record - An email from the board of health, stating the home should have a max of 3 bedrooms, and 7 total rooms for the size of the septic. Patty spoke to Deb Roger's, Health Agent, and she stated the 2nd floor room marked office/den can't be used as a bedroom.

Audience - None

J. Moore explained to the applicant that Special permits in this case go with the owner not the property, and it has to be a blood relative and you can't rent it out, and if the property is sold or transferred the special permit is void.

Motion – J. Moore/G. Thibeault to grant a Special permit to Dana & Keiko Skinner of 9 Lakeridge Drive, in the RA district and identified on Assessor's Map 6D Lot 96 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 the basement of the existing single family dwelling; the accessory apartment shall be 424sq. ft. and be occupied by Dana Skinner's parents, Bruce and Carol Skinner of 41 Oakhill Rd. Shapleigh, ME 04076.

With 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. The entire home (*including accessory apt*) be no more than 3 bedrooms, 7 room maximum, per the Board of Health correspondence dated 8/14/13.
5. Be Built per plans submitted and amended at the hearing (Exhibit A) basement plan in the ZBA application; Plot Plan certified BME Engineering, Inc., 9 Walnut St., Saugus MA, dated June 18, 1988, marked as Exhibit B, dated 8/12/13.

The Board further found that the application met Zoning Bylaw Chapter 165-79 (a-d);

1. The application is desirable to the public convenience or welfare;
2. Will not overload any public water or other municipal services so as to unduly subject any area to hazards affecting health, safety or the general welfare;
3. Will not impair the integrity or character of the district or adjoining districts;
4. Will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Vote:

J. Moore – Yes, Gina – Yes, P. Shilhan – Yes, D. Kapnis –Yes. Motion carried 4-0.

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.

Lapse of Special 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 appeal 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/ J. Moore to close the hearing for 9 Lakeridge Drive, all in favor – yes, no discussion. Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved 11-5-13