



Georgetown Zoning Board of Appeals

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

Phone: 978-352-5742 ♦ Fax: 978-352-5725

MINUTES OF A PUBLIC HEARING

ZBA File #16-08

Special Permit – Accessory Apartment

8 Long Hill Road, Georgetown MA,

September 6, 2016 at 7:30pm

Board Members Present:

Jeff Moore, Chairman member
Paul Shilhan, regular member
Shawn Deane, regular member
Sharon Freeman, associate member – Voting
David Twiss, associate member – Voting
Dave Kapnis, regular member - Absent
Gina Thibeault, regular member - Absent

Zoning Clerk: Patty Pitari

Applicant present: John & Rachel Cancellara

Donnie Settlemaier – Contractor

Architect - Orazio Guevara, 133B Main Street North Reading Ma 01864, of Just Draw it.

Angela Swain Rachel Swain Cancellara's mother

*Note Board Member are referenced by their initials

JM opened the hearing at 7:33pm, and introduced the board members, Paul Shilhan, Shawn Deane, Sharon Freeman, David Twiss, and himself, Jeff Moore, Chairman.

JM read the rules of procedure paragraph stating, 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, once the minutes are complete the recording may be taped over.

SD read legal ad; A Public hearing will be held on September 6, 2016 at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room, for an application filed by John and Rachel Cancellara of 8 Long Hill Road, Georgetown MA, for a Special Permit to construct an Accessory Apartment addition to a single family dwelling at the rear of the residence where a deck currently exists, the property is located at 8 Long Hill Rd, in the RB district and identified on Assessor's Map 15 Lot 57J, pursuant to M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 74-79. ZBA File #16-08

Applicants Presentation:

Orazio Guevara, the designer of the project, stated and he has been working with the homeowners and proposing a 686 sq. ft. accessory apartment at the ground level/basement level of the existing home.

Mr. Donnie Settlemaier – I am the contractor on the project. The apartment is for Rachel Cancellara's parents.

JM asks for them to go through the plan.

Mr. Guevara/Designer – We currently have an existing deck on the back of the house that is proposed to be demolished and the new addition is approx... 38 ft. wide and 24 ft. deep at the deepest section, the roof of the addition will be a roof deck (a wood deck) so they have their deck back, the access to the apartment will be from the existing basement and shall have 2 exit doors on the exterior, one off the kitchen and on off the main living space and will have 1 bedroom and 1 office, and a full bathroom all on the same level, it's not handicapped accessible they don't need it, and a full set of stairs going up to the roof deck, there is no work to existing basement, there is a currently utility room, laundry room area with a furnace that will be the interior entrance, no access to the existing garages, no work to the first floor other than the deck coming off the main kitchen area, and no work to the 2nd and 3rd floor areas.

The current house is about 2,500 sq. ft. of living space and the accessory apartment is going to be 686 sq. ft. He points out the exclusions of livable floor area on the plans. The addition will be constructed with Slab on grade, no basement which will be a step down from the existing basement so we can gain proper head room, that's why it show a couple of steps going down into it, and we are doing that so that the deck above, will also have a step down so it's not higher than the existing sliding door. Structurally the exterior walls will be 2 x 6, the ceiling all I joists to make the large clear spans, the rear deck will be composite decking and the porch off to the side will also be composite. The circle show is the 10 Ft radius from the septic tank, which is also shown on the plot plan, and the leaching field is 25 ft. away from the proposed addition, septic tank if 10 ft. from the edge of the tank, that's why the addition has the L shaped design, to gain space. On Sheet 6 shows a 3D rendering with the elevations, height wise it doesn't exceed the 1st floor, floor line everything stays within the 9-10 ft. from top of deck to the finish grade, the grade slopes away from the property about 1ft. every 10 ft., it's steep.

New Correspondence

PS read New Correspondence marked as Exhibit A from the Board of Health to the contractor Mr. Settlemoir; PS – This is an email from the board of health dated 8/17/16 stating; The Board of Health approved the proposed in-law apartment (accessory apartment) located at 8 Long Hill Road in Georgetown, with a 4 bedroom deed restriction, which the owners will be responsible to record at the Registry of Deeds. The recording will take place after the Zoning Board approves the proposed accessory apartment special permit and before the building permit application is signed by the Board of Health. The total number of rooms will not apply for the in-law apartment which is allowable in accordance with MA Title 5. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed by granting to the Board of Health a deed restriction limiting the number of bedrooms to a smaller number. Therefore, they applicant complies within the Board of Health's jurisdiction.

Board ask how this deed restriction works.

Donnie Settlemoir, Contractor explains they have 4 bedrooms now, they went to Board of Health, and we are adding another bedroom with the apartment, so they have to file a deed restriction on the property so when it comes time to sell the property they can only sell it as a 4 bedroom, at that point if they need a new septic system, then they can upgrade it to a new system and then sell as a 5 bedroom, the deed restriction will come up with the deed so any potential buyer will see that.

Brief discussion from the board followed on Board of Health deed restriction.

Plans – Marked read the exhibits into the record

JM Chairman reads the Plans and marks as Exhibits into the record.

Exhibit B – Existing & Proposed Plot plan dated 9/17/16 stamped by Leo B. White, PLS

Exhibit C - Sheet 1 Existing Basement and 1st floor plan, drawn by Orazio Guevara, of Just Draw it, 133B Main Street North Reading Ma 01864, stamped by registered architect Joseph Tatone revised date 8/11/16.

Exhibit D - Sheet 2 Existing 2nd and 3rd floor, floor plan layout drawn by Orazio Guevara, of Just Draw it, 133B Main Street North Reading Ma 01864, stamped by registered architect Joseph Tatone revised date 8/11/16.

Exhibit E – Sheet 3 – Existing West and South Elevations stamped by registered architect Joseph Tatone revised date 8/11/16.

Exhibit F- Sheet 4 – Existing east and North Elevation stamped by registered architect Joseph Tatone dated 8/11/16

Exhibit G – Sheet 5 – Proposed basement and 1st floor showing accessory apartment with new roof deck

Stamped by registered architect Joseph Tatone dated 8-11-16.

Exhibit H – Sheet 6 – Proposed South, East and North Elevations stamped by registered architect Joseph Tatone, dated 8-11-16 revision 2.

Exhibit I – JM read a Letter from Building Inspector dated 8/16/16 in regard to the elevation plans, the stated height for the existing building is approximately 37 ft., it exceeds the height allowed under the bylaw, the current definition of building height was added to the bylaw on 5/2/2011. The code in effect at the time of construction of the existing building in 1997 did not define height with respect to the existing natural grade or finished grade. Therefore it is my opinion that the existing building height is a pre-existing non-conformity, the construction of the proposed addition for an accessory apartment will not increase the non-conforming nature of the structure per Georgetown Zoning Bylaw Chapter 165-94.

JM – Les, the Building Inspector was not intending to make the determination that would generally be done by this board, what he meant was the proposed work falls outside the nonconformity that he is identifying, he is talking about building height, did this because the proposed work has nothing to do with the height of the apartment, he is just identifying the nonconformity.

Audience

JM asked if anyone from the Audience wished to speak. There was none.

JM – Questions from the Board.

PS – I really don't have that much, it's a great project, I am glad they get their deck back.

DT – How far out is the deck going to go, and the existing structure will go further out than the existing deck?

Orazio – Existing deck is 12 x 24, so the new deck will be larger, it will go out twice the distance, 24 at longest, 18 at shortest.

SF – It slopes pretty far down in the back.

DT – On the plot plan it shows it's 17.6 from the existing deck, and then from the new structure but how far is it from the tank?

Orazio – Its 10 ft. from edge of septic tank to the proposed addition.

JM asks if board had any questions about the sq. footage of the apartment. And notes it is under the 700 sq. ft.

SF – I don't have a worry, I went by the house.

DT asked about the septic pipe that goes thru the tank.

Orazio explains the one of the reasons we are doing slab on grade it's going right through the proposed construction so they will excavate around just the invert of the new wall, so everything on the inside of the proposed addition should not get disturbed, and then they will work around the exterior foundation wall.

DT – Where do you go from there? Orazio – It's all existing. DT - No pump? Orazio – No.

There was further discussion on the construction. SD – I have no issues, it makes sense.

The board was very pleased with the design.

JM – We have to make sure it keeps the single family characteristics, this does. I will mention the special permit goes with ownership, there are conditions that come with the special permit, you can't rent it out, if sold the new owner would have to come back to the board.

JM asks for any more comments, there were none.

Motion

SD - I move the Board finds application meets the Zoning Bylaw Chapter 165-79 (a-d);

- a. The application is desirable to the public convenience or welfare;
- b. 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;
- c. Will not impair the integrity or character of the district or adjoining districts;
- d. Will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Motion – SD I further move to grant a Special Permit pursuant to M.G. L. Chapter 40A, Section 9 of the State Code and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 78 & 79, to John & Rachel Cancellara of 8 Long Hill Road, Georgetown MA, in the RB district, for the proposed Accessory Apartment Addition. The Board found the applicant met the requirements of the Georgetown Zoning Bylaw, Chapter 165 § 69 (a-g), as the apartment addition is 686 sq. ft. and does not exceed the greater of either 700 square feet or 33% of the livable floor area of the primary dwelling, also the design presented kept the single-family characteristics of the neighborhood with conditions below.

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), per plans submitted and amended with a letter from the Building Inspector dated 8/16/16 marked as Exhibits B- H.
4. Per Correspondence from Board of Health Agent; the applicant received approval for the proposed in-law apartment (*accessory apartment*) located at 8 Long Hill Road in Georgetown, with a 4 bedroom deed restriction, which the owners will be responsible to record at the Registry of Deeds. The recording will take place after the Zoning Board approves the proposed accessory apartment special permit and before the building permit application is signed by the Board of Health, marked as Exhibit A.

Motion was seconded by Sharon Freeman.

Vote: JM asked all in favor, there was no discussion, all 5 members voted yes. Motion carried unanimously. Special Permit was granted.

JM stated 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.

JM - 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 during that time period.

Motion DT/SF to close the hearing for 8 Long Hill Rd, all in favor – yes, no discussion. Motion carried.

Motion to adjourn SF/DT all in favor, yes. Meeting adjourned.

Patty Pitari
Zoning Administrative Assistant

Approved 10/4/16