



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 #16-10

Special Permit – Accessory Apartment Addition

51 Andover Street, Georgetown MA,

November 1, 2016 at 7:30pm

Board Members Present:

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

Zoning Clerk: Patty Pitari

Applicant (s) present: Eric M. Burton and Caroline P. Burton

Paul Shilhan (PS), Acting Chair

Architect: Joel Gagnon of Architexture Residential Design, 80 Merrimack Street, Suite 17,
Haverhill, MA 01830

*Note Board Member are referenced by their initials

PS opened the hearing at 7:31pm, and introduced the board members.

PS 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.

DT read legal ad; A Public hearing will be held on November 1, 2016 at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room, for an application filed by Eric M. Burton and Caroline P. Burton of 51 Andover St., Georgetown MA, for a Special Permit to construct an Accessory Apartment addition to a single family dwelling, the property is located at 51 Andover Street, in the RA district and identified on Assessor's Map 5A Lot 23A, pursuant to M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 74-79. *ZBA File #16-10*

PS introduced the board members and lets the applicants know we only have 4 members tonight and you will need a unanimous vote, and gave the applicants options, if they wanted to go on or continue with Shawn Deane, Sharon Freeman, David Twiss, and Paul Shilhan.

Eric Burton the applicant had no issue.

DT stated in the interest of full disclosure, I know the applicants, our children go to school together, I have filled out a disclosure form, not a financial issue.

PS asks if anyone in the audience had an issue with DT voting on this hearing.

The O'Malley's of 8 Cedar Lane, abutters stated they had no issue.

Applicants Presentation:

Eric Burton stated the apartment will be on the 1st floor, my parent are in South Carolina they are getting on and living alone, my wife and I would like to have them with us, due to their health they are becoming shut ins and we think having them with us in their remaining years.

Plans – Marked read the exhibits into the record

PS Acting Chairman reads the Plans and marks as Exhibits into the record.

Exhibit A – Site Plan existing, 51 Andover St dated 9/26/16 by R.A.M. Engineering, 160 Main St. Haverhill MA, stamped by Robert Alan Masys, Registered Professional Engineer dated 9/26/16.

Exhibit B – Burton Residence, 51 Andover St, Sheet 1, DATED 7/21/16 Proposed South Elevation, drawn by Architexture Residential Design of Haverhill, Joel Gagnon, residential designer

Exhibit C - Sheet 2, Proposed first floor plan, dated 9/19/16 – same as above

Exhibit D - Sheet 3, proposed second floor plan, dated 9/19/16

Exhibit E - Sheet 4 Proposed North and West elevations, dated 7/21/16

Exhibit F - Sheet 5 – Proposed East elevation, dated 9/19/16

Exhibit G - Sheet 6 – Existing First floor Plan, dated 9/19/16

Exhibit H - Sheet 7 Existing Second floor plan, dated 9/19/16

PS it's a very nice plan, so the livable floor area for the accessory apt.

Board Questions

SF – Just asked the abutters the O'Malley their address, it is 8 Cedar Lane.

PS – You have done a lot of measurements and calculations here, and I am very comfortable with this being 626 sq. ft.

Joel Gagnon of Architexture Residential Design, Merrimack St., Haverhill MA. Explains the plans and states if you see on the sheets I have a minus 20 sq. ft. that's a small area of closet space excluded per livable floor area, he explains the common area, the only door is into the atrium space, so there is a shared common space. The primary residence is 2,127 sq. ft. of living space and the accessory apartment is going to be 626 sq. ft. (calculated with the livable floor area exclusions).

PS – I have go through the application, and I don't see any issue with the sq. footage, the setbacks are fine, esthetically is very nice.

PS asks the abutter if they can see where this addition will be. Robin O'Malley, 8 Cedar Lane, - We may be able to there are large trees, if those trees come down they you can see our yard completely.

Eric Burton – The trees are staying.

DT asks about the height. The top level what is that?

Joel Gagnon – I have the ridge of the addition the exact same height of the existing cape, and the whole structure, it's not as wide as the main house, I just brought the second floor walls down as knee walls, the only thing up a bit higher is the Chimney box in the back, but it's no higher than the existing chimney on the house.

DT – So the second floor plan who gains that space?

Joel – That is the primary space, the owners, right now their children, are in two bedrooms that are not really have today's code with proper egress window, so we are taking one of the bedrooms and converting that to a loft area, and the other bedroom we are adding a dormer for egress, and the two new children's rooms will be above the existing garage.

DT – As long as it's not increasing the roof line.

PS – It's very nicely don't.

DT – So they are keeping the Trees.

Eric Burton – We have submitted a new septic design with the Board of Health

SD – Are you aware if you sell the house or transfer the title the special permit lapses, and it may only be occupied by relatives, it can't be rented out. SF – Blood relatives

SF asks about the front door.

Joel Gagnon explains the same front door.

Audience

PS – Asks audience if they have any other questions.

Robin O'Malley – I was going to ask about the special permit lapsing, so my question was already answered.

Eric Burton – We are upgrading the Septic, and have submitted the Septic Design.

New Correspondence - None

Motion – SD I 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 Eric M. Burton and Caroline P. Burton of 51 Andover St., Georgetown MA, in the RA 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 626 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.

SD I further 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.

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 ownership or change in residence of the owner, 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 marked as Exhibits A-H.

Motion was seconded by SF. Granted unanimously 4-0.

PS asked all in favor, there was no discussion, all 4 members voted yes. Motion carried unanimously. Special Permit was granted.

PS 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.

PS - 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/SD to close the hearing for 51 Andover St, 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 3/7/17