



**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**  
**169 Central Street, Georgetown MA**  
**Dallas & Audrey Gould**  
**ZBA File #16-05**  
**Special Permit- Convert single to Multi-Family**

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**Board Members Present:**

G. Thibeault, Chairperson  
Jeff Moore, regular member  
Sharon Freeman, regular member  
*Paul Shilhan, regular member - Absent*  
*Dave Kapnis, regular member - Absent*  
Shawn Deane, associate member - Voting  
David Twiss, associate member - Voting

Applicant present: Dallas & Audrey Gould  
Represented by: Attorney Mark L. Janos, 6 Harris St., Newburyport MA 01950

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\*Board members are referred to in minutes by their initials.

GT opened the Hearing at 7:43pm, and read the Rules of Procedure paragraph.

SF read legal ad; An Application has been made by Dallas and Audrey Gould of 169 Central Street, Georgetown Ma, for a Special Permit under M.G. L. Chapter 40A, Section 9 and the Georgetown Zoning bylaws, Chapter 165 Sections 2, 9, 74 -79, the owner/applicants are requesting to convert a single family dwelling to a multifamily (2 family) dwelling. The premises affected is 169 Central Street, Georgetown, MA, in the RA district and identified on the Assessor's Map 10A, Lot 7. The Application will be heard by the Georgetown Zoning Board of Appeals; at the Georgetown Town Hall 3<sup>rd</sup> Floor Meeting Room on March 8, 2016 at 7:30 PM.  
*ZBA File #16-05*

**Applicants Presentation:**

Attorney Janos – I am here representing the Gould's, to allow the conversion of a single family dwelling to a two dwelling unit structure and there will be no increase to the exterior of the dwelling. The application speaks for itself, we have provided the plot plan, floor plans and also a letter from your Building Inspector dated July 20, 2016 that tells of some history on the property, with that the building inspector stated the existing dwelling was converted to a 3 family prior to the current owner. The Inspector reviewed his files and it shows that the assessors began assessing the structure as a 3 family in 1996. The permit history shows a major addition and renovation in 1978 and prior to 1966 the structure was owned by Baldpate Hospital and used for staff housing. Although he the files did not contain enough information to prove the dwelling a pre-existing nonconforming.

Attorney Janos - Information in the application from the Board of Health is approved for up to 9 bedrooms, this proposal will only be two bedrooms currently with 2 bedrooms for the second unit and 7 bedrooms for the other

unit, they will be residing in the 7 bedroom unit. I also included information in the application from Conservation, Assessors, Board of Health, and I included the plan from assessors map, and the abutters, and those abutters have given us letters of endorsement. All neighbors have no issues, as you can see we have no one in the audience.

Janos - The property is in the RA zone, the property consists of approximately 45,051sq. ft. + or - of land with 26 plus or minus ft. of frontage on Central St. The structure is approx. 7,100 + or - sq. ft., the proposed second dwelling unit will contain approximately 1,900 sq. ft. + or - and has adequate parking for up to 8 vehicles in the circular driveway. The Gould's intention is to convert a portion of the use of the property (approx.) 1,900 sq. ft. from a single family to a two family dwelling and any renovations or alterations to the existing structure will be internal. The previous owner stated in a letter that the premises has historically been used as a multifamily according to the assessor's records and building inspector's investigation.

Janos continued;

The second dwelling unit will consist of 2 bedrooms and will be located on the first and second floor of the structure as shown in the plan, with adequate ingress and egress is available for both units. The current septic system is large enough to accommodate both units as show on the Board of Health approval in the application; the applicant will continue to reside in the original unit as shown on the plans. He showed the board on the plans, and pointed out all the doors and egresses, and the elevations and layout.

### **Board Questions**

SF – When it was 3 units do you know where that 3<sup>rd</sup> unit was?

Janos – I am not sure.

Dallas Gould/Owner – I think it was on the third floor, there was a refrigerator there and you can tell there was a stove there, also there is a fire escape shown on the last elevation plan.

Janos – The unit will contain approx. 1,984 sq. ft. that they are renovating, the main residence will have 5830 sq. ft. so that a fairly substantial building, and again the entire structure is approx. 7,100 + or - sq. ft., he showed on the plans the elevations the parking, entrances, and again not exterior changes will be made. Each garage will be able to park side by side.

DT – The egresses internally from the unit? \_\_\_\_\_ (inaudible) is it a doorway or is it like one of those hotel doorways, does it lock or something?

Dallas – Yes it's a common area hallway.

DT- So both doors come out to a common area. GT – A shared entrance door.

SF – Why are you choosing 2 units and not 3 units?

Janos – At one point they had thought of the possibility of making it 3 but then, and they learned that they would need more approvals to expand upon it being a single family residence, but the layout is just works better for a 2 unit dwelling house, and from a special permit stand point not overburdening the current structure and the uses that are consistent with the neighborhood.

SF – I guess I have a slightly different opinion based on prior cases, we were told I thought that there is nothing in our bylaws that multi-family and two families... (Inaudible) there was no difference.

Patty stated a 3 family would require Site Plan Approval from the Planning Board and a Water Resource permit from our board.

JM – They are not applying for a 3 family.

Patty read the definition in the bylaw for multifamily.

GT – So what is your question?

SF- I guess in thinking of prior cases, to be consistent it would be fair to be open and forthright, that if they presumed that a two family was all they could do, and that's not the case, then we need to be transparent and let them know and if they choose to still go with a 2 family that's fine, and if they wanted to go to 3, because we don't have a specific bylaw in Georgetown that you must ask do X for 2 family and Y for 3 family which we didn't make anyone else do then I think it's up to them, and they would have to go back to their abutters and let them know, but I don't think it's fair to proceed as though they don't have the option for a 3 family.

Janos – I think the decision to proceed with the two family, was based on a couple of factors, including expanding from one to three, which is a bigger job.

Sharon interrupts respectfully – From a prior case it was an issue and the structure is set up to me, to be not as big as a job as what we did prior, and I think it would be disingenuous of me to suggest you're only limited to two, and if you want two that's fine.

Janos – The building is conducive to adding another unit, and if they wanted they could come back to the board, but that's not what we are here for tonight, but that is good for them to know.

SF – I just wanted to lay it out.

Janos speaks to the applicants and they want to proceed with this application.

JM – On parking, you can fit 4 cars inside, how many can you fit outside in the driveway?

Dallas Gould – We can fit 10 cars in the driveway, its large.

JM – How many bedrooms per unit.

Janos – Two for the second unit and 7 bedrooms in the unit the applicants would reside in.

GT – Board of Health approved how many bedrooms?

Janos – 9 Bedrooms, that is in your packet.

DT – The garage in the photo, you pull in and walk out, or is there a way to your unit from the garage?

Dallas – It's encapsulated, you have to walk out, from both units.

DT – There is no intent on changing that? Janos – Not at this time.

Janos presents his argument per 165-74-79

The use is listed in the table of uses, the request is certainly desirable, the project will not create any non-conformities and the existing structure will be improved, the number of residential units will increase from one to two and available parking spaces will remain the same. The application will not be substantially more detrimental to the neighborhood than the existing structure; it will not create undue traffic congestion, or unduly impair pedestrian safety. Also the use will not overload any municipal systems, as the existing septic system is large enough to accommodate a second residential unit, the use will not denigrate from the integrity and

Character of the district and will not cause an excess of residential use that could be detrimental to the character of the neighborhood. All the neighbors have provided us with approval, and lastly the use is in harmony with the purpose and intent of the zoning bylaw. He quotes the statute.

Janos – There is a provision in the use table for a conversion of a single to multifamily. Again the traffic will not be affected. We don't believe we would need any condition, but if the board sees fit we would gladly abide by any conditions you choose to impose. We would ask you approve the application.

### **Board Discussion/Questions**

JM – So there are not preexisting non conformities on the existing lot?

Janos – Correct, it complies in every regard, in regard to setbacks, it was placed in the middle of the lot.

JM – What are you doing inside?

Dallas – It's all done. Discussion on the building permit. We are not doing anything further inside.

JM – So kitchen facilities exist in both units. Dallas – Yes.

DT – So everything was there when you purchased it.

Dallas – Yes.

DT – Asks about some items on the plan and inquired about the backyard and what would be shared.  
Dallas explained in regards to the yard.

SF – There is a handwritten note on the field card.

GT – The Assessor goes out and he puts in his notes, just what he visually sees, it doesn't mean it has a permit.  
Patty – Sorry those were my notes when I spoke to the assessor that is not part of the application.

JM to Attorney Janos, I think as you noted earlier, Jon the previous inspector, could not determine if it was a pre-existing non-conforming use because at some point in time it was used as a single family investigating the history.

Janos – Correct. Janos read the letter from previous inspector stating such.

JM – So we are basically correcting the record. Janos – Yes.

DT – When you purchased it was there a 3<sup>rd</sup> kitchen?

Audrey Gould – Yes.

DT – So are you renovating the 3<sup>rd</sup> floor? Audrey Gould – We are using it for storage.

SD – Are the separate utilities? Audrey – Yes there are.

Discussion followed on how this was used when it was a rooming house.

## **GT Reads Plan into the record as Exhibits**

169 Central St. Plans submitted with application

Exhibit A – Sheet marked EC-1, a certified plot plan (existing conditions) dated 9-7-15 by Professional Land Surveying of Groveland Ma, stamped by Bryan G. Parmenter

Exhibit B – Sheet marked EC-2, First, Second & Third Floor plans by Professional Land Surveying of Groveland Ma, stamped by Bryan G. Parmenter dated 9-7-15

Exhibit C – Sheet marked PR-1 – Elevation Drawings – Left, Front elevations by Professional Land Surveying of Groveland Ma, stamped by Bryan G. Parmenter dated 9-7-15

Exhibit D – Sheet marked PR-2 – Elevation of Right side, and rear elevation Professional Land Surveying of Groveland Ma, stamped by Bryan G. Parmenter dated 9-7-15

Exhibit E – Sheet marked EC-3, first, second and third floor plans, Professional Land Surveying of Groveland Ma, stamped by Bryan G. Parmenter dated 9-7-15

Exhibit F – Septic systems as- built, by Morin-Cameron Group Inc. drawn by Scott P. Cameron Civil Engineer dated 4/2/14

The applicant submitted 16 letters with the application letters from neighbors/abutters in support in from Joseph & Marilyn Risch, 149 Central, dated 8/18/15

Taylor Orlando, 152 Central St. dated 8-11-15

David Gordon, 153 Central St. dated 8-8-15

Anthony Accardi, 156 Central St. dated 11-9-15

Jeffrey Philips, 161 Central St. dated 8-1-15

Shawn Greene, 170 Central St. dated 8-9-15

Johathan Panutich and Kori Panutich dated 8-9-15

Jason Powers, 1 Hart Circle, dated 8-8-15

Donna Woodbury, 2 Hart Circle, dated 8-10-15

Allan & Patricia Barlow, 3 Hart Circle, dated 8-11-15

Cathie Southwick, 4 Hart Circle, dated 8-11-15

Dan & Lisa O'Neill, 17 Brook St., dated 8-11-15

Patricia Gorton, 19 Brook St. dated 8-10-15

Robert & Judith Cunningham of 21 Brook St., dated 8-10-15

Heather DePirest, 29 Brook St. dated 8-10-15

Meredith Collins, 123 Elm St, dated 8-11-13

## **Audience - None**

GT – Asks if Attorney Janos has anything else to present.

Janos – One question 165-94 he reads the section, the last sentence says basically the same thing. I find those two statements to be de-consistent.

JM - I agree, I believe the second sentence I believe refers to structures only and the first part I believe is for uses.

## **Board Discussion**

JM in this case, in my opinion it's a perfect application for a 2 family, not just because it's been used that way in the past, there are a few iconic homes in town that I think are very important to maintain, this is one of them and it's important for an owner to have financial resources for the long term to maintain a structure like this, it can be expensive and there is plenty of parking, plenty of garage space, it's a good solution to maintain a very attractive house, we have had other hearings in the past with some other homes in town were contemplated to be demolished or substantially renovated and I have had some heart ache with that, but this is a good example to maintain something that good in town, so I am in favor of the application.

GT – Thank you for coming to the board and getting a legal permit, for doing the right thing, and setting this

straight, it's obvious the previous owner had this as a rental dwelling and needed to come before us and didn't, so thank you speaking for the Town.

DT – I agree with Jeff, having only lived here for 4 or 5 years, I think the application fits in this particular instance, given the location and the history of the house.

SF – You may want to check with the Historical Society for more information.

**Motion** – JM - I move that the application for 169 Central Street, the Board find the requested use as required by the Georgetown Zoning Bylaw, Chapter 165, Section 79 is essential or desirable to the public convenience or welfare, will not overload any public water or other municipal system so as to unduly subject any area to hazards affecting health, safety or the general welfare, and 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.

JM - I also move to grant to Dallas and Audrey Gould of 169 Central Street, in the RA district and identified on the Assessor's Map 10A, Lot7, Georgetown MA, a Special Permit under M.G. L. Chapter 40A, Section 9 and the Georgetown Zoning bylaws, Chapter 165 Sections 2, 9, 74 -79, the request to convert a single family dwelling to a multifamily, a 2 unit dwelling.

Seconded by S. Deane, all in favor, no further discussion.

GT asked Board, All in Favor. All answered yes. Motion carried unanimously 5-0.

GT - 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** – JM/DT - I make a motion to close the hearing on 169 Central Street, all in favor. Motion carried.

*Patty Pitari*  
*Zoning Administrative Assistant*

*Approved 4/5/16*