



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 File #15-08
Modification of Special Permit 94-4
24R Penn Brook Ave
April 7, 2015 @ 7:30pm

Board Members Present:

Paul Shilhan, Chairman
Gina Thibeault, regular member
Sharon Freeman, regular member
Jeff Moore, regular member
Dave Kapnis, regular member
Shawn Deane, associate member – not voting

Zoning Clerk: Patty Pitari

Applicant present: Berton Rogers & Debra Rogers

Chairman G. Thibeault opened the Hearing at 7:30pm, and read the Rules of Procedure paragraph.

S. Freeman read legal ad; A Public hearing will be held on April 7, 2015 at 7:30pm at the Georgetown Town Hall in the 2nd Floor Meeting Room. An application has been filed by Berton E. Rogers and Debra Rogers of 24 R Penn Brook Ave, Georgetown, MA, Assessor's Map 10B, Lot 73C in the RA zone, for a Modification of a Special Permit pursuant to Georgetown Zoning Bylaws, Chapter 165, sections 9, 78, 79 and the State Code M.G.L. 40A, Section 9, to modify conditions of a previous Special Permit ZBA File #94-4.

Chairman Thibeault introduced the Board members.

Applicants Presentation: 24R Penn Brook Ave

Debra Rogers, Owner – We received the special permit back in 1994 when we first built our home and, we would like to remove the condition about sale or transfer part of it, and part of the first condition related by blood. We would like to keep the women who is living there for 15 years and we have decide to sell our house and we want her to be able to stay when we built it we made sure we had enough land so we comply with zoning. We are not changing anything else with the home.

G. Thibeault – Asked if abutter if she wanted to speak.

Jane Bomengen, 3 Partridge place neighbor is present; she stated she is just observing.

P. Shilhan – Is the women living in the home related to you?

D. Rogers - She's been with us for 15 year, but no, not a blood relative.

P. Shilhan – The conditions say it doesn't have to be related.

J. Moore – This was granted back in 1994.It was granted prior to the accessory apt. bylaw.

Deb Rogers – We don't have an issue keeping it owner occupied. It's a raised ranch.

J. Moore – I am wondering what the purpose was they conditioned it for general it for accessory apartments which were not in the bylaw, this is not the same as if someone has an accessory apt.

Jeff briefly discusses bylaw briefly and explains a typical accessory apt. with a purchase and sale agreement.

J. Moore – How big is the apartment.

D. Rogers – The livable sq. ft. is 860 sq. ft.

P. Shilhan – So you are simply asking portion of condition 1 and all of condition 2.

J. Metivier, Building Inspector – The original building permit was for a 2 family dwelling, so from the beginning it was identified as a multifamily. They came and got a special permit for a multifamily.

Discussion on multi-family vs. accessory apartment.

D. Kapnis – What is it assessed at?

Debra – It is assessed as a two family.

Plans – Marked into the record by G. Thibeault

Exhibit A – Previous Decision 94-4

Exhibit B -Plot Plan/Foundation plan date June of 1980 by S & W Land, stamped by Louis M. Holt Jr.

Exhibit C – 1st Floor layout

Exhibit D – 2nd Floor layout

New Correspondence – None

Motion – J. Moore/P. Shilhan - I move that the Zoning Board of Appeals granted a modification to Bert Rogers of 24R Penn Brook Ave a previous Special Permit with conditions ZBA file #94-4 (recorded with the registry Book 12604, Page 263), marked as Exhibit A, by re writing condition 1 to say the owners of the property shall occupy at least one of the dwelling units, and removing condition 2, that states the special permit shall expire upon the sale or transfer of the title of the property.

Further the board finds that the applicant met the special permit requirements under 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:

S. Freeman – Yes, J. Moore – Yes, Gina – Yes, P. Shilhan – Yes, D. Kapnis – Yes.
Motion carried 5-0.

Motion – D. Kapnis – P. Shilhan seconded to close the hearing for 24R Penn Brook Ave, all in favor - yes, no discussion. Motion carried.

G. Thibeault - 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.

Patty Pitari
Zoning Administrative Assistant

Approved at May 5, 2015 Business Meeting