



# 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 #19-02

25 Baldpate Road

Special Permit/Accessory Apartment Addition

October 9, 2018 at 7:30pm

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Board Members Present: Jeff Moore, Acting Chairman, regular member  
Paul Shilhan, regular member  
Gina Thibeault, Chairman, regular member  
Dave Kapnis, regular member  
Shawn Deane, Chairman regular member - Absent  
Sharon Freeman, associate member  
David Twiss, associate member

Zoning Clerk: Patty Pitari

Applicants present: Leo Ryan & Linda A. Ryan

Architect – Ray Guertin, 89 Turnpike Rd, Ipswich, MA 0193

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*\*Note Board members are reference by their initials, Ray Guertin, Architect (RG)*

Acting chair J. Moore Opened the Hearing for 25 Baldpate Road at 7:31pm, and introduced the board members. He stated he is the Acting Chair tonight as the new Chair is traveling tonight.

GT read the Legal Ad; A Public hearing will be held on October 9, 2018 at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room for an application filed by Owner/Applicants Leo F. Ryan & Linda A. Ryan of 25 Baldpate Road, Georgetown MA, located in the RC district and identified on Assessor's Map 5 Lot 15. The applicants are requesting to construct an addition to a single family dwelling for an Accessory Apartment which requires a Special Permit under; M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9-11, 69 and 74 -79.

Also found on the website for: Massachusetts Newspaper Publishers Association's (MNPA) [masspublicnotices.org](http://masspublicnotices.org). ZBA File #19-02

### **Applicants Presentation:**

RG, Architect – I am here tonight to help explain the proposal for Leo & Linda Ryan and their son Patrick, Mom and dad, Leo & Linda are going to move into the accessory apartment addition. I understand the per the bylaw an accessory apartment size per 165-69 paragraph C; the maximum livable floor area shall not exceed the greater of either 700 sq. or 33% of the livable floor area of the existing primary dwelling.

The calculations I did are for 33% of livable floor area of existing dwelling the Max we could go is 736.89 sq. ft. we are doing 720 sq. ft. for the Accessory Apartment. The total sq. ft. of existing dwelling is 3,554 sq. ft., the calculated livable floor area per bylaw definition is 2,233 sq. ft.

RG, Architect explains the proposal on the presentation board, we are keeping the main house perpendicular to the street, the entrance is in between setback to keep single family look, the height is less than the existing house at 29 ft., and we kicked it back about 20 degrees/angle to keep within the setbacks in RC zone of 50 front, 40 side and 50 rear, it is 42 ft. from side lot line. The entrance to the accessory apartment is at the lower level, so you actually come under a Bridgeway, if you will where this is open to the back yard and the entrance is setback at an angle so it's more obscured from the street, when you look at the elevations, you can see, it keeps it less important there are not two main entrances when you look from the street. The addition is an oversized on car garage with an entrance up to the accessory apartment.

### Board Questions

GT – So it's actually set down lower, is the existing a little higher?

RG – Its level in back, as you come up the driveway front the grade does rise a bit, but the new addition is on same level of existing garage. Slabs are at same level.

GT – So your accessory is on 2<sup>nd</sup> floor of the garage.

Leo Ryan – Yes. If anything it may be 4- 6 inches lower.

JM - I had a question when you look at the basement floor, foyer/breezeway area coming in, a door, it looks like it's not connected on first floor.

GT – Look at the dotted line that is where it is connected.

RG – Show the front elevation plan the door you see is, which is set way back, is this door (he points to plan with dotted line), in plan.

JM – I just want to make sure it is fully connected to the main house.

Leo you can't see it. RG – It is connected totally, we did make a way you can walk thru to the back yard.

SF – So your son is moving to main house with his family.

Leo Ryan – Yes it's just my wife and myself in the big house, we don't need. My son Patrick and his young family.

RG – One thing to point out, one requirement, in regard to change in owner – if transferred to son, can we do that, can you stipulate unless they sell it to their son?

JM- I am not 100% sure we can put a condition in. I don't feel comfortable without counsel's opinion on that, would just have to come back.

Discussion on conditioning or reapplying.

GT – can we waive a fee?

Patty mentioned perhaps doing a finding at a business meeting and the board would decide if they needed a full hearing. GT – that’s what I was thinking.

JM – A finding is easy. JM – I think a finding, we can think about it.

PS read into record and marked Exhibits as:

- Exhibit A – Plot Plan, Plan of Land Surveyed by Hayes Engineering, stamped by Peter J. Ogren dated 8/17/18
- Exhibit B - Sheet A1 all proposed plans (one 1 sheet) drawn and stamped by Raymond T. Guertin, Architect, dated 8/22/18
- Exhibit C - Sheet A2 - All exterior Elevations drawn and stamped by Raymond T. Guertin, Architect, dated 8/22/18
- Exhibit D - Existing First Floor plan, ALL BELOW PLANS Drawn by Raymond T. Guertin
- Exhibit E – Existing Second Floor plan,
- Exh. F –Existing 3<sup>rd</sup>floor Plan
- Exhibit G – Existing Ground floor plan
- Exhibit H – Proposed first floor plan
- Exhibit I – Proposed Ground Floor plan
- Exhibit J – Proposed 2<sup>nd</sup> floor plan
- Exhibit K – Proposed 3<sup>rd</sup> floor plan
- Exhibit L – Proposed Southeast Front Elevation
- Exhibit M – Proposed Northwest (rear) Elevation
- Exhibit N – Proposed West (Left side) Elevation

Audience

David Colson we live across the street we just wanted to make sure it can’t be a rental property or change the zoning?

JM – No it can’t be rental property, if you charge rent to your family that is up to them, but can’t rent to outsiders or non family members, and if down the road, the risk is on the owner if sold, if you decide you want to move out of state of something, you may want to think about how you would convert that back to a single family home. To answer the Colson’s, it cannot change the zoning.

Back to discussion on ownership

JM – I don’t think we can give relief on the ownership without town counsel opinion. I don’t think the risk is that big, especially if its family. JM worst case you all are still there come in for a finding.

GT – If I am still on board its fine, I would do it sooner than later.

JM lets them know the standard conditions. Nothing can materially in the eyes of the building inspector he may send you back here.

Patty – they are doing a new septic system also.

**MOTION**

GT- I would like to make motion to grant a Special Permit to Leo Ryan & Linda Ryan owners of 25 Baldpate Road, Georgetown MA, located in the RC district and identified on Assessor’s Map 5 Lot 15, to construct an Addition to a single family dwelling for an Accessory Apartment pursuant to; M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9-11, 69 and 74 -79. The Accessory Apartment addition shall be 720sq. feet.

**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 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 - N.
4. Be built per plans submitted at the hearing, marked as Exhibits A-N.

GT I further move the Board find the proposed addition met the prerequisites of the Georgetown Zoning Bylaw Chapter 165-79 (a-d) being;

- 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.

**Vote** – Seconded by DT, Discussion; SF – Pointed out the first condition states the word Primary, we should remove that. Board members agreed.

Condition was modify to read “The Accessory Apartment be occupied by relatives of the owner only, not to be used as a rental property and the dwelling must be owner occupied per bylaw Chapter 165 §69 (b).

JM, so modified. All in favor – yes carried unanimously 5-0. Granted with conditions.

J. Moore states The Zoning clerk has 14 days to file a decision and 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 my file this decision before the 20 days but does so at their own risk.

J. Moore reads; Lapse of Special Permit - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than 3 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 or construction has not commenced, unless upon timely application this Board finds good cause to extend such period.

**Motion** – SF/P to close the hearing for 25 Baldpate Road, all in favor – yes, no discussion. Motion carried unanimously 5-0.

*Patty Pitari*  
Zoning Administrative Assistant

*Approved – November 13, 2018*