

January 18, 2023

Call to Order: 7:01pm

Members present: Leo Ryan, John Pingree, Tom Mulligan, Tracey Hartford, James Ogden

Continuation of 34 E. Main Street to February 14, 2023, 3rd floor conference at 7pm.

203 North Street, John Colantoni representing Kate Amiro & Travis Davies

Footprint has not changed, square footage has changed to 694 sq.ft, presented new floor plans

No correspondence or questions from the audience

J.Ogden – has septic plan been approved? J.Colantoni - system has not been approved yet, will be separate system for the accessory apartment.

T.Mulligan explained criteria for Special Permit

John Pingree motion to approve Special Permit for accessory/in-law apartment, Leo Ryan second all in favor.

Conditions:

Exhibit 1 – New Plan, presented January 18, 2023

Exhibit 1A – Footprint from December 6th meeting

Exhibit 1B – Footprint with setbacks

J.Ogden – certificate of compliance from Board of Health for new septic system before occupancy of the accessory apartment

Relatives of owner only to occupy

Not to be used as a rental property

Owner occupied

Special permit will lapse if property is sold

Inspection by Building Inspector prior to occupation, per 165 – 9B

Be built as per plans submitted, sq.ft. as in Exhibit 1, 1A, 1B

Interior changes OK, square footage not to change

Vote – all in favor, James Ogden to write the decision

Members signed signature page

T.Mulligan reminded the Board of the prongs of requesting a variance. Attorney Nancy McCann representing Goddzilla LLC, John Colantoni, Attorney McCann provided a recap of the December 6, 2022 meeting. Provided the Board with a court case Adams v Broley, Dedham Ma. Case Town of Dedham granted a frontage variance, due to a taking. Abutter appealed and Apelet Court upheld the Town's granting of the variance.

Victor Franikos, 7 Patricia Rd, Danvers member of the parish council of the St Vasilios Greek Orthodox Church, current owner. Church is in favor of the land being used in a productive purpose. Church members have approved the sale of the property.

L.Ryan – when was the property purchased by Manos, Attorney McCann 1945, appears that George Manos obtained the property in 1972 possibly after a divorce, property was owned by the Manos' prior to the second taking. J.Colantoni – tax records have the property listed as residential.

J.Pingree the situation can be remedied by going to Town Meeting to have the property re-zoned. J.Colantoni believes this will be a financial burden on the Town.

Discussion on shape of the lot from takings, and use of the lot with surrounding Residential zones. Time frames regarding attending Town Meeting and potential problems.

Continued discussion of takings, re-zoning and status of Chute Rd.

J.Ogden read into the record the purpose of Zoning per the By-Laws

"The purpose of this chapter is to promote the health, safety, welfare and convenience of the inhabitants by dividing the Town of Georgetown into districts and regulating the use and construction of buildings and premises with a view to encouraging the most appropriate use of land in the Town."

Attorney McCann – buying a non-conforming lot does not restrict the buyer from still seeking a variance

J.Ogden, the applicant chose to seek a variance instead of going to Town Meeting

T.Mulligan listed findings for the Decision for the Board members

L.Ryan – asked about taxes being paid if variance is granted. No difference in tax rate

No further discussion

John Pingree motion to Approve the requested variance, Tracey Hartford second, roll call vote, James Ogden yes, Leo Ryan yes, Tracey Hartford yes, John Pingree no, Tom Mulligan yes.

T.Mulligan read the information for filing decision

T.Mulligan to write decision

John Pingree motion to adjourn, Tracey Hartford second all in favor.

Respectfully Submitted

Robyn Holt, Administrative Assistant