



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 #19-01
20 Amburg Street
Accessory Apartment Special Permit
July 10, 2018

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

Zoning Clerk: Patty Pitari

Applicant/Owner present: Collen White

Applicant's designer: Daniel Kapnis

J. Eichman, present for next hearing on 34 E. Main

**Note Board members are reference by their initials*

Dave Kapnis recused himself, as he is abutter and involved with the project.

JM – introduced the members of the board.

SD read legal ad; A Public hearing will be held on July 10, 2018 at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room, for an application filed by Collen White of 20 Amburg St., Georgetown MA, for a Special Permit to construct an Accessory Apartment addition to a single family dwelling, the property is located at 20 Amburg Street, in the RB district and identified on Assessor's Map 8 Lot 118, pursuant to M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 74-79. Also found on the website for: MA Newspaper Publishers Association (MNPA). *ZBA File #19-01*

JM 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.

Applicants Presentation:

Collen White applicant/owner – I would like to build an accessory apartment addition for my parents.

Daniel Kapnis, applicants designer, he stated he designed it and worked with the surveyor, he presented the plans and explained he met setbacks, and explained layout.

Daniel Kapnis, designer stated our application showed on the application, the sq. ft. for the apartment being 697, we realized after looked again at bylaw, we did the livable floor calculations it was actually **560.9 sq. ft.**

with the exclusions, and he presented a calculation sheet to that affect, and it was marked into the record as Exhibit 14. It's a 24.4 x 25.3 ft. sq. addition It's a has one bedroom.

The existing dwelling is a 2 bedroom and the memo from Board of Health, Chairman read the email from Board of Health stating they are allowed 3 bedroom, 7 room maximum. This addition would bring them to the 3 bedrooms.

Audience – None.

SD read plans into record

Exhibit 1 – Plan of Land dated 5-11-18 by Bartram Land Survey, of Byfield MA, stamped by PLS Richard J. Bartram

Exhibit 2 - Plan of Existing lower level floorplan dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 3 – Existing Upper level floor plan, dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 4 – Proposed accessory apt Lower level floor plan, dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 5 – Proposed access apt upper level floorplan dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 6 – Existing Front elevation dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 7 – Existing Right side elevation dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 8 – Existing left side elevation dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 9 – Existing Rear elevation dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 10 – Proposed front elevation dated 5/22/18 stamped b Richard J. Bartram of Byfield MA,

Exhibit 11 - Proposed right side view stamped b Richard J. Bartram of Byfield MA,

Exhibit 12 – Proposed left elevation dated 5/22/18 by same

Exhibit 13 – Proposed rear elevation dated 5/22/18 by same

Exhibit 14 – Livable floor area calculation for addition accessory apartment.

GT – Is the existing dwelling a 2 bedroom. Daniel – Yes.

JM – There is a memo from Board of Health, the septic is a 3 bedroom max, this will bring you to 3. The septic is existing doesn't need updating.

JM – A new owner could covert if back to a single family look.

Daniel – Yes.

JM – I agree I was not getting the same number on sq. ft. You did include the bedroom down below,

JM – Questioned the West wall where the 2 buildings meet, is the addition offset from the existing face of the building, you have a basement window and a couple 1st floor windows on existing house, those will be blocked?

Daniel – Yes that will be blocked off. And the HVAC unit will be relocated.

JM and is not access to the addition from inside the house correct.

Daniel – correct.

JM informed the application if at some point down the road, this had to be converted back to a single family could access be created? DT – could you cut a hole on 2nd floor and make access.

Daniel – Yes, we could we would have to make a hallway, but yes.

GT – Asked if there is a firewall where addition meets.

Daniel – Yes.

JM – This will be conditioned, if he house is sold or transfer the permit expires and a new owner would have to come back to the board if they wanted to keep the apartment, it can't be a rental property.

GT – it can't be a multi-family.

SD should we add the calculation to exhibits? Patty yes I will add.

PS asks about access, where is driveway, you would have to go to highway if a curb cut need, you don't want that to look like a 2 family home, with 2 driveways, that make it looks

Daniel – to the right, it goes to front door,

GT – Why don't you have a common entrance?

Daniel – You would have go through the existing bedroom.

DT – you may want to do a circular driveway.

GT – I am not worried about you, I am worried about the future buyer.

PS – Yes try to make the driveway so it looks like a two family.

Discussion on driveway.

Discussion follows on walkway.

DT – Colleen mentioned a second driveway.

JM – We can condition it and restrict it to a single driveway, connect it someone a T or an L without a curb cut.

J. Eichman – Yes you can condition the driveway.

JM - So condition the premises to be constricted to a single driveway.

Motion

SD I Make a motion to grant a Special Permit to Collen White of 20 Amburg St., Georgetown MA, for a Special Permit to construct an Accessory Apartment addition to a single family dwelling, the property is located at 20 Amburg Street, in the RB district and identified on Assessor's Map 8 Lot 118, pursuant to M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 74-79. The Accessory Apartment addition shall be 561 sq. 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 1-14.
4. Be Built per plans submitted at the hearing, marked as Exhibits 1-14.
5. The premise be constricted to a single driveway, if an additional curb cut is made it shall be connected to the single driveway

SD Moved that the Board Finds that the application met 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.

Seconded by DT. Discussion – None.

Vote – all in favor, no discussion, granted unanimously 5-0.

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 may 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 – SD/DT to close the hearing for 20 Amburg St., all in favor – yes, no discussion.
Motion carried unanimously

Patty Pitari
Zoning Administrative Assistant

Approved at 9/11/18 Business meeting