



## Georgetown Zoning Board of Appeals

*Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833*

### MINUTES OF A PUBLIC HEARING

ZBA FILE #13-06

**James Alden (applicant) – Oak Hill Financial LLC/James B. Bussing Sr. of 160 W. Main St.  
For the property at 172 W. Main Street, Georgetown, MA  
Special Permit/Accessory Apartment  
November 13, 2012**

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Board Members Present: Paul Shilhan, Chairman  
Gina Thibeault, regular member  
Sharon Freeman, regular member  
Jeff Moore, associate member  
**Absent:** Dave Kapnis, regular member

Zoning Clerk: Patty Pitari

James Alden – J & J Developers & Michele Bettinger & Angela Laurino – Co-Applicants

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P. Shilhan opens the Hearing at 8:05pm and stated 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.

G. Thibeault reads legal ad; The Georgetown Zoning Board of Appeals met on March 13, 2012 to hear an application made by owners; Oak Hill Financial LLC/James Bussing Sr. of 160 W. Main Street, who has a Purchase & Sale agreement, with applicant James Alden/J & J Developers and co applicants & of 37 Haviland Ave, Lynn Ma who shall reside in the dwelling, for the property at 172 W. Main Street, Georgetown MA, 01833, for a Special Permit under; under M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69 and 79, for an accessory apartment in a new single family dwelling. The premises affected is **172 W. Main Street**, the RA district and identified on Assessor's Map 6D, Lot 110 (was combined with lot 109I -Plan Book 431/80). This went through the ANR process with the Georgetown Planning Board.

P. Shilhan introduces the board members.

### Applicants Presentation

Jim Alden/ J&J Developers I am the managing partner of J & J Developers, my clients were looking for a single family home to put an accessory apartment in, the original plan was modified to incorporate an in law apartment, and we went by the bylaw and we are at 629 sq. ft. for livable floor area for the apartment. The first floor has 359 sq. ft and 2<sup>nd</sup> floor has 270 sq. ft.

P. Shilhan – I have a question on the plot plan, so the driveway is off of West Main Street.

Alden – Yes.

J. Moore – So the front of the house faces Richardson Lane.

Alden – Yes.

P. Shilhan – It does still look like a single family home in the design, you can't tell from looking at the outside design that there is an accessory apartment here.

J. Moore – Can you explain the occupant situation.

Alden - The new single family home with in-law apartment is for Michelle Bettinger (mother).  
Angela Laurino (daughter).

P. Shilhan – I am wondering about the owner/applicant, since this is a new home to be built.

J. Moore - The special permit would have to be in Michele and Angela's name. You need to know that with an accessory apartment that if it is sold, it would have to revert back to a single family home. Or the new owners wish to use it as an accessory apt. the new owners would have to come back before the board for a new special permit. Jeff explained the bylaw 165-69.

J. Moore – Can you go thru the design for us.

Alden – Where the garage was the first floor of the garage is now an eat in kitchen with the living area on the first floor, there is a second floor to the in-law with a bedroom, master bedroom and closet, there is a full basement under that also is not finished, it's just for storage and there is access from the basement. The basement will be open.

J. Moore – So you have a separate front entry, and a separate rear entry from the porch/deck.

Alden – Yes and a rear entrance that will go out to the deck. The rest of the house is a traditional home, dining room, large family room, 1<sup>st</sup> floor has a the laundry and a half bath the laundry will be shared, on the second floor is 3 bedrooms, a separate office upstairs, and a master bedroom and full bath.

P. Shilhan opens it up to the audience.

### **Audience**

Leanne Plant, 1 Richardson Lane – We live directly across the street, we are concerned with the occupancy of this apartment, what if for example if mom decides to leave, who rents that apartment.

J. Moore – You can't rent it out, it has to be a relative related by blood, as stated in the bylaw.

Jeff reads the purpose and intent of the bylaw 165-69; the owners must occupy the primary dwelling. The only thing you can do is keep an eye out, if you see different people consistently living there than normal you would need to contact the building inspector if you think the occupancy has changed and he would look into it.

Jeff asked Patty about conditions. Patty stated they have to be related by blood.

In first paragraph of 165-69, it states in part for the purpose of meeting the special housing needs of grandparents, parents, brothers and sisters, children and their respective spouses of family of the owner/occupants of the property.

Michele Bettinger, mother of Angela – I am 66 years old, we are looking forward to it, I don't have anywhere else to go, I have no plans to go anywhere else. Also the apartment is kind of in the middle of the home, I can't see anyone wanting to rent something like this.

P. Shilhan – That's why we like the way this is designed it maintains the single family characteristics of the neighborhood.

S. Freeman – Did you say the deck is connected. It's not connected on the plan on the back.

J. Moore – So you took out the garage, as far as parking it looks like you have space for at least 4 vehicles.

Alden – Yes.

G. Thibeault discussed the main entrance with the chairman. Because of the way the house is on the lot, I feel the driveway should be on Richardson lane.

Patty – This went to planning for an ANR it was an undersized lot, and the assessor gives out the new address which is 172 W. Main, there is an easement on the Richardson lane side, they would have to go back to planning to change the driveway.

G. Thibeault - What is the Total livable floor area.

Alden – It is 1750 sq. ft. is the livable of the main home. The total home is roughly 3,200 sq. ft.

The applicant had listed the building height on the application of 122.5 as average finish grade, 154.5 as top of roof ridge and 32ft. as height above the average finish grade.

In the application it lists the accessory apt as;

Living room 18x12 is 216 sq. ft.

Fire place 3' x 5' is 15 sq. ft.

Foyer – 6' x 4' is 15 sq. ft

Kitchen – 15' 6" x 7' 3", and 6'x6'6" is 182 sq. ft

Bedroom – 17'6" x 13'6" – 3' 6" x 4' and 3'3" x 6' is 270 sq. ft.

**Total of 629 sq. ft.**

Plot Plan is certified by William G. Holt, PLS, RS, 83 W. Main Street, Merrimac MA, dated September 22, 2012.

Proposed plans drawn by Martha Macinnis, 58 Regent Ave, Bradford MA 01835

Sheet #2 – Proposed 1<sup>st</sup> Floor Plan

Sheet # 3 – Proposed 2<sup>nd</sup> Floor Plan

**Motion** – J. Moore/S. Freeman – I make a motion to grant to Michele Bettinger & Angela Laurino of 37 Haviland Ave, Lynn Ma who shall reside in the dwelling for the property located at 172 W. Main

Street, Georgetown MA, 01833 in the RA District a Special Permit under; under M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 69, 78 & 79, for an accessory apartment in a new single family dwelling. Finding the application meets the requirements of Chapter 165 Section (a-g), and the apartment does not exceed the greater of either 700 square feet or 33% of the livable floor area of the primary building. The accessory apartment shall be 629 square feet.

Also that the Board further find that the special permit application for an accessory apartment meets Zoning Bylaw 165-79 (a-d), being the requested use and alteration is essential or desirable to the public convenience and welfare; will not overload any public water or other municipal system so as to unduly subject any area to hazards affecting health, safety or general welfare, 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.

This Special Permit shall have the following Conditions:

1. The Accessory Apartment only 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 occupancy 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).
4. Be Built per plans submitted in the ZBA application; Plot Plan certified by William G. Holt, PLS, of 83 W. Main Street, Merrimac MA, dated September 22, 2012 and Floor Plans drawn by Martha Macinnis, 58 Regent Ave, Bradford MA 01835, and Floor Plans, Sheet #2 Proposed 1<sup>st</sup> Floor Plan and Sheet # 3 – Proposed 2<sup>nd</sup> Floor Plan.

Discussion – J. Moore – this is a good job at keeping the single family characteristics not to degrade the neighborhood.

All in Favor, no discussion, Motion carried. Special Permit is granted unanimously.

P. Shilhan - 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** – J. Moore/G. Thibeault to close the hearing on 172 W. Main St. all in favor at 8:55 pm.

*Patty Pitari*  
*Zoning Administrative Assistant*

*Approved - December 4, 2012 Business Meeting*