

# TOWN OF GEORGETOWN ZONING BOARD OF APPEALS

## MINUTES OF A PUBLIC HEARING

**Matthew & Heather Dupont**

**2 Mayflower Lane**

**ZBA FILE #09-02**

**June 2, 2009**

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**Board Members Present:** Paul Taraszuk, Chairman - Voting  
Joseph Young, regular member - Voting  
Matt Lewis, regular member - Voting  
Jeff Moore, associate - Voting  
Scott MacDonald, associate - Not Voting  
Paul Shilhan, associate - Voting

**Board Members Absent:** Jon Pingree, regular member & Mike Muller, regular

**Zoning Clerk:** Patty Pitari

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Taraszuk: Chairman states, The Board of Appeals will conduct this hearing according to rules laid out in Chapter 40 A 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. These proceedings are being tape recorded, for the purpose of preparing minutes, once the minutes have been approved, the tape recording may be taped over.

The following application will be heard by the Georgetown Zoning Board of Appeals; at the Georgetown Town Hall 3rd Floor Meeting Room on June 2, 2009 at 7:30 PM. An application has been made Matt & Heather Dupont for a Special Permit under M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 8 - 11, and 69 to construct an addition attached to the primary dwelling an Accessory Apartment. The premises affected is 2 Mayflower Lane in the RB district and identified on the Assessor's Map 11, Lot 8A.

M. Dupont states the proposed accessory apartment is solely for his parents.

Mr. Dupont purchased the house in 2006 with the intent of expanding only to provide retirement living for his parents, Mr. & Mrs. Edward Dupont. His calculated floor plan for the proposed apartment totals 650 sq. feet of livable floor area, the proposed addition total area is 2,177.5, the excluded area is 1527.5 sq. ft and the proposed livable is 650 sq. ft. which falls under the 700 sq. ft in the bylaw. The existing home has a total sq. footage of 3,560.5 sq. ft.

In his calculations Mr. Dupont did not count the basement in the addition because in the definition of Livable Floor Area you can exclude cellar and basement areas having window areas equal to less than 10% of the floor area, but he included in the existing livable floor area because the ground level is not considered a basement by this same definition and he checked with the Assessor's office and the building inspector.

Jay PWT 5/27/09  
PFT

The primary dwelling is 2774 (livable) sq. ft, and 33% of 2774 is 915.24 sq. ft. The proposed apartment will total 650 livable square feet. (see calculations provided).

**New Correspondence:**

P. Taraszuk read letter stamped in May 11, 2009 from the Assessor's office stating a request was made from Mr. Dupont to remeasure his home and after inspection of his property the Assessors records need to be corrected. I agree with Mr. DuPont's calculations of the sq. footage for his house.

P. Taraszuk read email to Patty from Deb Rogers stating 2 Mayflower has a 5 bedroom septic design and it is on the opposite side of home to where addition would be. Septic redone in November 2008. The address was formerly 255 North Street.

Brief discussion followed on Septic location.

**Audience:**

Mrs. Cynthia & Edward Dupont, the applicants parents who will occupy the in-law.

**Board Discussion & Questions:**

J. Young asked Mr. Dupont in the accessory apartment bylaw, paragraph e, it states preservation of single family characteristics, do you think the new addition is in line with that?

M. Dupont – yes I think it does, especially the way the roof line is set up, and staying within the characteristics of this shape house (octagonal) was difficult. This was not the first plan, we worked on this for some time with an architect.

J. Moore and S. MacDonald commented if it was sold the new owners would have to come back to the ZBA for a new special permit. The board agreed that would be the case. Patty stated we usually put that condition in the motion.

P. Shilhan asked about the way it is connected to the garage.

M. Dupont stated there is a deck over the garage that you can walk out of our sliding doors and walk into their apartment.

Brief discussion on the roof line and connection of the accessory apartment.

P. Shilhan stated, I think the board is comfortable that they hired an architect and made this blend in better.

J. Young – It is a unique house.

P. Shilhan – To me it looks like a house connected to another house, but it is a geodome, I couldn't find the property when I looked for it, but if we all agree as a board that you can't tie it in better than that, and they have followed everything else they were required to do.

Jay RM  
SM PFT<sup>2</sup>

J. Moore agreed with P. Shilhan we don't want these applications to look like duplexes, but you did what you could.

M. Lewis stated if you look at the existing dome house and look at the center point, and come down, the two peaks it's the same your just missing the apexes of the roof.

P. Shilhan – it is an aesthetic judgment, it is an oddball case.

P. Taraszuk stated it is setback far into the woods, you can't see it from the street.

J. Moore stated the code just is staying away the duplex type and that was the only concern, and yes in this particular case it's different, if this was a different house, it would be a different story.

P. Taraszuk entertained a motion to grant the special permit for the Dupont for 2 Mayflower Lane, for an accessory apartment. Moved by J. Moore, seconded by J. Young.

Amendment: M. Lewis amended the motion to include conditions read:

**Motion** to grant a special permit to Matthew & Heather Dupont of 2 Mayflower Lane under MGL Chapter 165 Sections 8-11 and 69, to construct an addition connected to the primary dwelling for an accessory apartment, the board finds the application meets the requirements of Chapter 165-69 (a-g), and the addition does not exceed the greater of either 700 sq. feet or 33% of the livable floor area of the primary building, with the following conditions:

**Conditions:**

1) The accessory apartment is used by relatives only, not to be used as a rental property and the primary dwelling is owner occupied.

2) If the house is sold or transferred, the special permit lapses and the new owner must apply to the Board of Appeals for a new special permit.

3) Be built as per plan submitted in the application.

4) The apartment shall be inspected by the Building Inspector before occupancy; per Chapter 165-69 (d).

M. Lewis also stated that per **165-79** that: the requested special permit for an accessory apartment is desirable to the public convenience or welfare; 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; 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.  
Seconded by J. Moore.

**Vote:**

**P. Taraszuk – Yes**

**J. Young – Yes**

**M. Lewis – Yes**

Jay  
PJT  
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J. Moore – Yes  
P. Shilhan – Yes

The special permit for an accessory apartment is granted unanimously with 4 conditions.

**Motion** by J. Moore to close the hearing on 2 Mayflower, seconded by M. Lewis, all in favor, motion carried.

Taraszuk stated there is a 20 day appeal period following 14 days the clerk has to file the written decision with the Town Clerk.

M. Lewis Motion to adjourn, seconded by S. MacDonald, all in favor, Motion carried.

Patty Pitari

Zoning Clerk

Date approved: 7-14-09

JM  
FL  
ML  
PFT  
SM  
A Moore