



Georgetown Zoning Board of Appeals

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

MINUTES OF A PUBLIC HEARING

10 Charles Street– ZBA FILE #11-04

Louise Clancy & Michael Clancy

Special Permit

July 12, 2011

Board Members Present: Jeff Moore, Chairman
 Paul Shilhan, regular member
 Dave Kapnis, regular member
 Gina Thibeault, regular member
 Sharon Freeman, regular member
 Evan O'Reilly, associate member – not voting

Zoning Clerk: Patty Pitari
John Paulson, Atlantic Engineering, Georgetown, MA
Louise Clancy, Owner & applicant
Michael Clancy, applicant

J. Moore opened the Hearing at 8:07pm. P. Shilhan read legal ad;
An application has been made by Michael Clancy & Louise Clancy (applicants) and Louise T. & Robert Clancy, Owners of 10 Charles Street, Georgetown MA, 01833, for a Special Permit under; M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning bylaws, Chapter 165 Sections 9, 11, 69, and 79 to construct an addition to an existing dwelling, for an accessory apartment. The premises affected is 10 Charles Street, in the RB district and identified on Assessor's Map 18, Lot 6.

J. Moore introduced the board and noted the voting members.

Applicants Presentation:

John Paulson, speaking for Mrs. Louise Clancy – Mrs. Clancy has been a resident for 45 years and this will allow her to remain in Georgetown with assistance of her son Michael also the applicant and his family. The accessory apartment will be occupied by the current owner of the property and the son (Michael) and his family will occupy the primary dwelling. The house was built in 1960 or 61 and the lot was created in 1960. They are looking to expand the home and want to build a garage with living space above that and the accessory apartment to the other side of the garage. The second floor will extend over the apartment.

Mr. Paulson explains on the large plan the layout and how the garage will work with the apartment.

It will have a total interior area of 643 sq. ft which complies with the max. 700 sq. ft allowed, and maintains the characteristic of a single family per the bylaw; the improvements can be done to insure

the use is not detrimental. The calculations: Accessory Apt. - 533 sq. ft. of livable floor area, 643 of total interior area, that is shown on sheet 10 of the plans.

Audience – No audience or abutters present.

Board Questions

D. Kapnis – Is the septic being modified?

J. Paulson – Yes we are under contract with the owners we have to do that through the Board of Health, it will have to be upgraded because we are adding a bedroom. We have a total of 643 Sq. ft. for the apartment so we comply with the bylaw of under 700 sq. ft.

Mr. Paulson stated there is a letter in the application about the existing pool and deck.

New Correspondence – regarding the existing pool and deck closer to lot line

J. Moore read a letter from Building Inspector dated 6/13/11 was given to Atlantic Engineering on 6/14/11 (see attached), stated the owner needed proof of the existing deck and pool where in place for the past 10 years as they encroach on the side lot line.

Letter from Assessor's office dated 6/14/11 (see attached) regarding the deck, stated it has been listed and taxed since 1994. J. Moore read the letter into the record (see attached).

The plans were marked as Exhibit A, and the plot plan marked as Exhibit B.

J. Moore stated we should probably make a finding for the pool and deck that those structure meet the requirements of Chapter 40 §7. We discussed this and believe it can't hurt to have the finding.

Finding

Motion - P. Shilhan D. Kapnis / made a motion for a finding that there is substantial and credible evidence presented at this hearing, including tax records from the Georgetown Assessor's office, confirmed that a deck and above ground pool have been in place at 10 Charles Street for 10 years or more and pursuant to M.G. L. Chapter 40A §7, no enforcement action to remove the deck or pool shall be allowed, all in favor, no discussion. Motion carried.

Accessory continued; Special permit discussion

J. Moore let the applicants know the accessory apartment in town that if the property is sold or transferred and anyone living in the home an apartment must be related.

J. Paulson – They are building a 2 story garage then the apartment next to it, see sheet 10 for the apartment. Exhibit A in the application gives the livable floor area of the existing dwelling.

J. Moore – Is there access between 1st and 2nd floor.

J. Paulson – No, there is a stairway through the garage and then the front (main) door. Just to note there will be no changes to municipal services.

J. Moore informs the applicants on 165-69 in regard to the single family characteristics and explains the code, and if the property is transferred or sold, the special permit is null and void and the new owners would need to come back to the board, or bring it back to the single family status.

Paulson noted something on the plan we thought about after the main door to the house the goes into the dining room they were talking about closing that door up and moving it to the right of the garage.

D. Kapnis noted he liked the design, he has driven by the home and it will be a nice improvement.

P. Shilhan agreed on the design.

Special Permit

Motion – D. Kapnis/P. Shilhan - I would like to make a motion that the board vote to grant a special permit to Louise & Michael Clancy of 10 Charles St., Georgetown MA under MGL Chapter 165 Sections 9 and 69 and 79 to construct an addition 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. The accessory apartment will be 643 sq. ft.

The board also finds the application meets 165-79; 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 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 or transferred the special permit lapses and the new owner must apply to the board for a new special permit.
3. Be built as per plan submitted, proposed building marked as Exhibit A (sheets 1-10), proposed addition drawings by John B. Paulson of Atlantic Engineering of Georgetown Ma, dated June 6, 2011 and plot plan, Exhibit B, stamped by Atlantic Engineering, dated 6/6/11.
4. The apartment shall be inspected by the Building Inspector before Occupancy; per Chapter 165-69 (d).

J. Moore asked if the board was ready to vote, asked for any discussion;

D. Kapnis asked do we change that as livable floor area. Patty noted you use the total sq. 643 the livable is less, so it should read 643 total sq. footage.

E. O'Reilly asked about the change in the plan to the front door, the condition #3 states built as per plan submitted, I would just want to make sure that will not cause any problems later.

J. Moore – We can, it's actually an addition to the home with the apartment, we might want to do to make it clean.

Patty stated you can do an amendment for the building inspector to condition #3.

After brief discussion;

Friendly Amendment

P. Shilhan – I would like to make a friendly amendment that we add to the #3condition that states accepting changes to the existing dwelling as long as it does not change the aesthetics of the structure/project. Seconded by G. Thibeault, all in favor, motion carried.

Vote on Main Motion;

J. Moore took a roll call vote:

P. Shilhan– Yes S. Freeman – Yes G. Thibeault - Yes
D. Kapnis – Yes J. Moore – Yes E. O'Reilly – not voting this hearing.

The Special Permit was granted with conditions and as amended unanimously.

J. Moore – 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.

Motion – P. Shilhan/S. Freeman to close the hearing on 10 Charles St. at 8:45pm., all in favor. Motion carried.

Patty Pitari
Zoning Administrative Assistant

Approved - August 2011