



**Georgetown Zoning Board of Appeals**  
*Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833*

**MINUTES OF A PUBLIC HEARING**  
**413 North Street– ZBA FILE #11-02**  
**Andrew & Elizabeth Marino**  
**Special Permit**  
**May 3, 2011**

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

Zoning Clerk: Patty Pitari

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Chairman J. Moore opened the Hearing at 7:30. P. Shilhan read legal ad; An application has been made by Andrew Marino & Elizabeth Marino of 413 North 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, 69 and 79 to construct an addition for an accessory apartment to and existing dwelling. The premises affected is 413 North St. in the RB district and identified on Assessor's Map 17, Lot 154.

J. Moore introduced the board members.

**Applicants Presentation:**

Andrew Marino - We are requesting the apartment for my mother who is 79 years old and has health issues. She had a stroke a couple of years ago and had recently had another incident where she passed out, and we don't want to put her in any kind of home, we would like to have her with us to care for her, and we would need to have her space all on one floor for her needs.

**New Correspondence** – None

Mark the proposed apartment plan as Exhibit A and the plot plan as Exhibit B.

**Audience - None**

**Board Questions/discussion**

J. Moore – This is one of the best accessory designs I have seen, it's very esthetically thought out.

P. Shilhan – I think it very nice, if you use the same siding, windows etc... you won't even know it's there. I don't see any issues with it at all. The plot plan meets the setbacks for the addition.

J. Moore – this is also in keeping with the bylaw, it needs to keep the single family characteristics and this does. You have to meet the condition of 165-69, and 79.

We need to mark as Exhibit A – Proposed addition architectural drawings by Martha McInnis of Bradford MA, dated 11/4/10, and marked Exhibit B - Plot plan by Professional Engineers and Land Surveyors, Christiansen & Sergi, Inc., stamped 3/23/11 and signed 3/24/11.

Brief discussion on total livable floor area, the applicants meet the requirements.

D. Kapnis stated this application is pretty straight forward and meets the criteria. The existing house square footage is 1,680 and the existing livable floor is 1,145 sq. ft, the total livable floor area as 568 sq. ft.

**Motion** – P. Shilhan/D. Kapnis - I would like to make a motion that the board vote to grant a special permit to Andrew & Elizabeth Marino at 413 North Street under MGL Chapter 165 Sections 9, 11 and 69, to construct an addition to the existing 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. The total livable floor area of the accessory apartment shall be 568 square feet.

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, proposed addition architectural drawings by Martha McInnis of Bradford Ma, dated November 4, 2010 and plot plan, Exhibit B. stamped by Christiansen & Sergi, Inc. of Haverhill Ma, dated 3/23/11.
4. The apartment shall be inspected by the Building Inspector before Occupancy; per Chapter 165-69 (d).

After Shilhan's second, Discussion; P. Shilhan asked if they spoke to the Board of Health about the septic system meeting number of bedrooms. The applicant replied it was already sign off on by the Board of Health. J. Moore took a roll call vote:

P. Shilhan – Yes  
D. Kapnis – Yes

S. Freeman – Yes  
J. Moore – Yes

G. Thibeault - Yes

The Special Permit was Granted 5-0 in Favor.

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** - D. Kapnis/P. Shilhan to close the hearing on 413 North St., all in favor. Motion carried.

*Patty Pitari*  
*Zoning Administrative Assistant*

*Approved June 4, 2011*