



## 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 #14-07**

**Owner; Konstantina Bournakis, 550 Farm Road Georgetown, MA  
& Applicant/ Lessee; Mohammed Jammader, 20 Silver St., Malden, MA 02148**

**Special Permit – Retail Store and Services**

**March 4, 2014 Continued from February 4, 2014 @ 7:30pm**

**Withdrawn without Prejudice**

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Board Members Present:

Paul Shilhan, Chairman  
Gina Thibeault, regular member  
Sharon Freeman, regular member  
Jeff Moore, regular member  
Dave Kapnis, regular member - Mullen?

Zoning Clerk: Patty Pitari

Applicant present:

Mohammed Jamadder , 20 Silver St., Malden, MA 02148 - Lessee

Konstantina Bournakis, 5 Fazio Farm Road, Owner

Attorney Gary Evans, 65 Central St., Georgetown, MA- Rep for Applicant/Owner

Attorney Geoffrey Dowd, 472 Rt. 111, Hampstead NH 03841 – Rep for Mr. & Mrs. Gauron of 68 W. Main St.

Attorney Robert Finneran of Evan’s Law offices, Georgetown, MA

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P. Shilhan opened the Hearing at 7:30pm, and read the Rules of Procedure paragraph.

Motion by J. Moore/D. Kapnis to Waive the reading of the legal ad J. Moore /Dave, all in favor. Motion carried.

Chairman Paul Shilhan stated the applicant emailed a letter yesterday and Patty emailed the withdrawal form which the applicant signed and sent back. See

Jeff read the denial from the building inspector (see attached).

G. Thibeault read the request to withdraw dated 3/3/14. Below;

**See Letter next page from Evan’s Law Associates.**

**EVANS LAW & ASSOCIATES**  
**ATTORNEYS AT LAW**  
**65 CENTRAL STREET, GEORGETOWN, MA 01833**  
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March 4, 2014

Patti Pitari, Administrative Assistant  
Georgetown Zoning Board of Appeals  
1 Library Street  
Georgetown, MA 01833

Subject: Zoning Petition – Application of C. Mohammad Jamadder,  
File # 2014-07, 70 West Main Street

Dear Ms. Pitari:

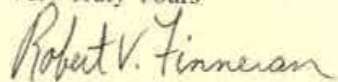
On behalf of Attorney Gary E. Evans and the above Applicant, enclosed please find Petition to Withdraw the Special Permit Application, Without Prejudice, now pending before this Board.

As you know, yesterday I received notice from the Building Commissioner and Town Hall including a newly issued Building Permit Denial Letter. In this newly issued letter, the Building Commissioner cites Town By-laws to inform the applicant that his denial requires a Use Variance from this Board. The first denial letter, dated December 11, 2013, stated that a Special Permit would be required.

Accordingly, I have entered this Petition to Withdraw the Special Permit Application Without Prejudice. Expecting that the Board will so allow the enclosed, we are also submitting an Application for a Use Variance. Under the circumstances, we would appreciate and respectfully request that this Application for a Use Variance be set for hearing at 7:30 at the April 1, 2014 Board meeting.

If you have any questions or require additional information please contact this office. Thank you in advance for your attention to these matters.

Very Truly Yours



Robert V. Finneran, Esq.  
Evans Law & Associates

cc: Mr. C. Mohammed Jamadder  
Konstantina Bournakis for Konstantina Realty, LLC  
Attorney Jeff Dow for Mr. & Mrs. Gauron (by telephone)

**Motion** – J. Moore/G. Thibeault to allow the applicant to Withdraw without Prejudice, roll call vote  
J. Moore – Yes, G. Thibeault – Yes, P. Shilhan - Yes, S. Freeman – Yes. D. Kapnis – abstained  
Motion carried 4-0.

J. Moore I further move due to the error the fee be waived along with the legal ad as this was an error.  
Seconded by D. Kapnis, all in favor. Motion carried.

J. Moore/G. Thibeault –Motion to close the hearing for 70 W. Main Street at 10:43pm.

*Patty Pitari*  
*Zoning Administrative Assistant*

*Approved 4-1-14*