



**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 File #15-04**  
**56 Andover Street**  
**Finding and Special Permit**  
**December 2, 2014 @ 7:30pm**

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Board Members Present:

Gina Thibeault, Chairman, regular member  
Paul Shilhan, regular member  
Sharon Freeman, regular member  
Jeff Moore, regular member  
*Dave Kapnis, regular member - Absent*

Zoning Clerk: Patty Pitari  
Applicant present: Vanessa Traniello  
& Erik Kaminski, husband and Builder  
Matt Cummings, Architect, Ipswich MA

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G. Thibeault opened the Hearing at 7:45pm, and read the Rules of Procedure paragraph.

Sharon Freeman read legal ad: A Public hearing will be held on December 2, 2014 at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room at for an application filed by Owner/Applicant 56 Andover Street LLC, /Vanessa Traniello of 19 Eagle Street, Newburyport, MA 01950, for the property located at 56 Andover Street, Georgetown, MA, Assessor's Map 5A, Lot 15 in the RA zone. The Owner/Applicant requires a Finding (under 165-94) and Special Permit pursuant to Georgetown Zoning Bylaws, Chapter 165, sections 9, 78, 79, 89 and 94 and M.G.L. 40A, Section 9, to build an addition to the side and rear of the existing dwelling. The existing structure and lot are pre-existing non-conforming. *ZBA file #15-04*

Chairman Gina Thibeault introduced the board members.

**Applicants Presentation:**

Vanessa Traniello – I will turn over to my husband and building project manager and Architect.  
Erik Kaminsky, building project manager – We purchase the home in September, the home is small, about 900 sq. ft. We want to renovate it, it did not pass title V, the septic has already been done and signed off on. We are doing this as an investment project and the designs that the architect came up with works well and gives it appeal so close to the street, we added a garage, and a 3<sup>rd</sup> bedroom above that.

J. Moore – Can you go through the existing conditions vs. the proposal.

Erik - It's non-conforming on the right side its 2.1 ft., and 2.6 in the back we are removing part of that preexisting non-conforming section (some of it); to get the garage in here we did have to encroach on that side of the property line. 5.2 ft. at the shortest. The corner rear will stay 2.6 ft. and the back at the property slopes up. I did go around to the neighbors, I went to the house to the right of it and it's vacant. I have a letter from the house across the street, and email from Ete Stzuts. I went to house to left and no one was home.

J. Moore – Read a letter from the abutter directly across the street from Ete Szuts, marked as Exhibit 1. (see attached). It was marked as Exhibit 1.

Shilhan – Can you explain the garage and roofline?

Architect – Matt Cummings, 87 Central St, Ipswich, MA 01938 - The garage is a one car garage that extends on the side, the front of the house has a gable, it's the same height as the house, the right elevation is part of new building. The existing height of the house is only 24 ½ ft. It's a very small house and height, so we designed it with the barn, we did a shed dormer 8 ½ ft. on the front, to get some ceiling height, and we did that along both sides, the roof line of the barn part, it looks lower from the street because you're looking at the slope of the roof from the street.

Gina – The non-conforming is originally on the right but now we have a new nonconformity on the left correct?

Cummings – Yes, and the nonconformity on the right extends for quite a distance, we are keeping 5 ft. minimum so there is access to the back of the building.

J. Moore – What the size of the shed.

Erik – It's 12x24 ft. that sits on the ground no footings.

J. Moore – To be clear there are several nonconformities, one nonconformity is the size of the lot size, so 15,000 sq. ft. is required they have 12,276, it requires 125 ft. of frontage they have 48.68 and the setback issued is 2.1 on left. Those are the 3. So we need to determine if the changes intensifies those nonconformities.

J. Moore – Is there any access to the rear of the lot?

Cummings – It is an odd shaped lot. There is room to drive a machine down there.

Erik - It's open grass then its overgrown way in the back.

J. Moore – And the Septic.

Erik – The septic is in the rear it's already been done completely installed.

J. Moore – I think it's a pretty good design. Jeff asks about roof pitch.

Cummings – You really can't tell there is two gables, and we used two sidings so it would look like a barn attached. Brief discussion on roof pitch. It is no higher than the existing home.

J. Moore – So we have what the nonconformities are.

Erik – We are removing a portion of the left hand side which is 121 sq. ft.

The building denial states the lot is a pre-existing nonconforming parcel with a pre-existing nonconforming structure. They survey by Summit Surveying dated October 16, 2014 shows existing lot is 12,276 sq. ft. where 15,000 is required. The lot has 48.68 ft. of frontage where 125 is required. The existing structure is located 2.1 ft. from the property line where 15 ft. is required.

J. Moore – Some discussion on case of Gale vs. Gloucester. I think this is creating a new nonconformity and does intensify the existing nonconformity but being the setback, so the question is it more substantially more detrimental. Although they are creating a setback the issue of 5.2 ft., on the one side and the other side, they are reducing the nonconformity by virtue of the amount of square footage that falls within that 15 ft. buffer, I

think all in all there is a little more of the structure that's going to fall within the structure if you add up the two, but in the scope of things I think it would be a nice addition to the neighborhood, and there are no abutters here.

Shilhan – I agree you have done everything you can, going back a little, and gone to the side a little bit. I think its fine too. Will the house be doubled in size?

Cummings – Yes, we tried to make it from the street to still make it look smaller than double.

Erik – The house is so incredibly small.

G. Thibeault – So the one house you didn't talk to its map 5A lot 14, is the one neighbor's door you knocked on.

Erik – Yes next to the right, no one was home. The white house up on the hill.

Sharon asks for clarification on driveway and Erik explains.

J. Moore works on motion.

G. Thibeault – We need to mark the letter. Patty – I will mark as Exhibit 1 and we can mark the plans A-E.

Sharon reads plans into the record

1. Plot Plan certified by Summit Surveying Inc., 1 Jackson Street, Newburyport, MA 10950, Survey is dated September 11, 2014, stamped by Charles J. Brennan PLS on 10-16-14. EXHIBIT A
2. Sheet A1 – Front, right, left and rear elevation Drawings by Cummings Architects, 87 Central St. Ipswich, MA, dated 10-15-14. EXHIBIT B
3. Sheet A2 – First Floor proposed renovations layout, by Cummings Architects, dated 10-15-14. EXHIBIT C
4. Sheet A3 – Second Floor proposed renovations layout, by Cummings Architects, dated 10-15-14, EXHIBIT D
5. Sheet S1- Main house and Garage Sections, by Cummings Architects, dated 10-15-14, EXHIBIT E

Audience - None

P. Shilhan reviews there is not much they could do. Discusses the connection with the yard.

S. Freeman – So septic repair will be able to get in back.

G. Thibeault – They have machinery that will fit on a sidewalk.

J. Moore – The plans here tonight are done, so they can't be changed, is that ok, so this will be set in stone.

Erik – Yes, ok.

**MOTION** – J. Moore/S. Freeman, I move the Board find that the proposed addition at 56 Andover Street would intensity the existing side setback nonconforming of 2.1 ft. where 15 ft. is required and creates a new side setback nonconformity, but that the proposed change is not substantially more detrimental than the existing non-conforming structure to the neighborhood.

I further move that the Board grant a Special permit per Georgetown Zoning Bylaw 165-89 and 94, to Owner/Applicant 56 Andover Street LLC/Vanessa Traniello of 19 Eagle Street, Newburyport, MA 01950, for the property located at 56 Andover Street, Georgetown, MA, Assessor's Map 5A, Lot 15, for the proposed addition and garage to the side and rear of the property as shown on plans marked, as exhibits A-E.

Further find the proposed addition met the prerequisites of the Georgetown Zoning Bylaw Chapter 165-79 (a-d) being;

- a. The application is desirable to the public convenience or welfare;
- b. 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;
- c. Will not impair the integrity or character of the district or adjoining districts;
- d. Will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Vote – all in favor unanimously 4-0.

**Vote:**

S. Freeman – Yes, J. Moore – Yes, Gina – Yes, P. Shilhan – Yes, Motion carried 4-0.

G. Thibeault - 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.

**Lapse of Special Permit** - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than two years, which shall not include such time required to pursue or await the determination of an appeal referred to in Section 17. If a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by such date except for good cause.

**Motion** – J. Moore/P. Shilhan close the hearing for 56 Andover St., all in favor – yes, no discussion. Motion carried unanimously 4-0.

*Patty Pitari*  
*Zoning Administrative Assistant*

*Approved 1-6-15*