



TOWN OF HOPEDALE
ZONING BOARD OF APPEALS
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

Christopher P. Hodgens, Chairman
Nicholas A. Alexander, Member
Sandra E. Biagetti, Member
Louis J. Costanza, Member
Scott M. Savage, Member

**Hopedale Zoning Board of Appeals
Meeting Minutes
April 19, 2023**

Chairman Scott Savage called the public hearing to order on April 19, 2023 at 7:07 pm. The meeting was held in the Town Hall Draper Room, streamed live via Zoom and on Hopedale Cable Access.

Members that were present:

Scott Savage, Chair
Nicole G. Small
Lou Costanza
Nick Alexander

Member that was absent:

Sandra Biagetti

Applicants:

Jodie and Jarred Tandy, Jackie and Joe Pratt, Mark Fitzpatrick

Guests:

Allen Lavoie, Kevin McDonald, David Guglielmi

Approval of Minutes: Lou Costanza made a motion to approve the minutes from March 15, 2023, seconded by Nick Alexander. All were in favor.

Case 03-2023 7:07 pm - Public Hearing on the application of Jared and Jodie Tandy 14 Hammond Road

The application seeks a special permit regarding to section 6.3 of the Zoning By-Law to build an accessory apartment.

Lou Costanza first inquired about the property abutting conservation land and if the Conservation Commission had been notified. The secretary reported that Conservation Commission received an email from the Chair that is sent to all town boards on March 17, 2023. The secretary also sent a notice on March 24, 2023 as the Commission is considered an abutter. A follow up email was sent on March 29, 2023 as a minor correction was made to the notice. The email does state that a non response is a task of an approval or no concerns.

Mark Fitzpatrick, representing the applicant shared the preliminary plan to build an in-law apartment for the applicant's parents. The overall plans are within the zoning setback requirements. The 754 square footage proposed addition is over the 600 square foot allowance in the bylaw. The board reviewed the plans submitted and the supplemental plans shown at this hearing.

Board Comments

Lou Costanza had concerns regarding the size of the accessory apartment. Scott Savage read the zoning bylaw as follows:

One (1) accessory apartment may be permitted by special permit of the Board of Appeals in all residential districts subject to the following conditions:

- 6.3(a) The owner(s) of the dwelling in which the accessory apartment is located shall occupy one of the dwelling units.
- 6.3(b) Either the occupants of both units shall be related by blood, adoption, or marriage, or one of the units shall be occupied by an individual hired to provide medical assistance, custodial care, or child care to one or more individuals in the other unit. When the dwelling is sold, or when the need for such care ceases, the dwelling shall revert to single family use, and the accessory apartment may not be reoccupied unless a new special permit is obtained from the Board of Appeals.
- 6.3(c) The design of the accessory apartment shall be such that the appearance of the building remains that of a one-family residence. Any new entrances or additions shall be located on the side or rear of the building and shall not increase the floor area of the dwelling by more than ten percent (10%). Additions shall not be permitted on any lot not conforming to the minimum lot size or yard setback requirements of the district where the building is located, nor shall any new nonconformance be created by any additions.
- 6.3(d) The accessory apartment shall be clearly secondary in nature to the principal dwelling, and it shall not exceed six hundred (600) square feet in area.
- 6.3(e) The one accessory apartment permitted per dwelling may be created in an attached or detached garage existing on the date of adoption of this by-law.
- 6.3(f) If the lot is not connected to public sewer, prior to obtaining a building permit, the Board of Health shall certify that the septic system is in compliance with Title 5 of the State Environmental Code and the Board of Health's regulations.
- 6.3(g) There shall be no more than one (1) bedroom in an accessory apartment.
- 6.3(h) The Board of Appeals may require more stringent or other appropriate conditions in order to protect the public health and safety and the single-family character of the neighborhood. The Board may allow deviation from the above conditions where necessary to install features that facilitate use by disabled persons.

Scott Savage asked about the new entrance and parking, which the applicant indicated there will be a new side entrance with no direct connection within the primary home and available parking for 4-6 cars.

Public Comment

David Guglielmi, 11 Hammond Road, and member of the Conservation Commission reported that the board determined there is no reason for the Commission to discuss this application even though they property abuts a 5.5 parcel of open space in the back. He stated potential conditions that could be considered if granting this special permit that the property be surveyed at the owner's expense give them the right of inspection. It was noted that this was not part of any public hearing by the Conservation Commission. As an abutter to the property, Mr. Guglielmi has no issue the construction of this accessory apartment.

Scott Savage also had concerns regarding the size of the addition and noted the plans do not include dimensions and measurements. His recommendation is to continue the public hearing, so that the applicant can redesign the accessory apartment within the 600 square feet with all room dimensions.

Lou Costanza made a motion, with approval from the applicant, to continue the hearing to May 17, 2023, seconded by Nicole G. Small. All were in favor.

If the Conservation Commission wishes to request any conditions or has any concerns, it should be discussed at their next public meeting and sent in writing as requested in the notifications sent.

Discussion potential regarding application fee changes

Application fees cost do not cover the expenses of the ZBA hearing notices. Scott Savage's recommendation is to set a fee \$150 for the administrative fee and mailings, the abutters list to remain at \$25 and the cost of the public hearing notice will be prepaid directly by the applicant. Receipt of payment would be due at or before the hearing date.

Lou Costanza made a motion to put forth the recommendation to the Select Board to amend the ZBA application fee as follows:

\$150 Administrative fee

\$25 Abutter's List (unchanged, to be paid to the Assessor's Office)

Legal Public Hearing Notice to be prepaid by the applicant prior to the hearing date.

Motion was seconded by Nicole G. Small and all were in favor.

It was also requested by the Accounting Office to allow the secretary permission to sign for invoices to expediate the processing of vouchers. Lou Costanza made a motion to allow for Mary Arcudi to sign for ZBA invoices, seconded by Nick Alexander. All were in favor.

The next meetings will be on May 1, 2023 and May 17, 2023.

Lou Costanza made a motion to adjourn at 7:52 pm, seconded by Nick Alexander. All were in favor.

Respectfully submitted,
Mary Arcudi

ZBA Secretary