



Town of Abington

500 GLINIEWICZ WAY
ABINGTON, MA 02351

ZONING BOARD OF APPEALS
781-982-2100

Minutes
March 13, 2014
Cotter Room
7:00 p.m.

Members Present: James Haney, Lisa Bezanson, John Shepard, Marshall Adams, Building Inspector/Zoning Enforcement Officer

Absent: William Mullen, Sean Reynolds

7:00 p.m. Motion to approve minutes for February 13, 2014 made by Mrs. Bezanson, seconded by Mr. Shepard, unanimous.

7:10 p.m. **Continued hearing, petition of Mario Sinani, 1 Hunt's Pond Lane, Abington, for: a special permit to have existing in-law apartment included under current owner's name at 1 Hunt's Pond Lane, under Abington Zoning By-Laws Sec. 175-32-I. The property is located on Assessors Plan 13, Plot 93, in the R-30 Zone.** Voting members: James Haney, Lisa Bezanson, John Shepard.

Hearing had been continued from 2/13/14 due to conflicting information. Mr. Haney distributed by-law referencing in-law apartments and a chart with degrees of kindred. Questions were asked of the applicant. Date he closed on the property – November 30, 2012. Did seller represent to him that it was legal two family or in-law apartment? It was presented as a single family with in-law. His real estate agent and his attorney confirmed this at Town Hall. Did seller or real estate agent disclose to him that the current occupant was family to the seller? No – he didn't have any conversation with the previous people who lived there. Board is only considering this petition from November 30, 2012 forward. Did the tenant that stayed with the house continue to pay Mr. Sinani rent? Was there someone there when he moved in? The whole house was empty according to Mr. Sinani. After he took possession of the house, he was contacted by Marshall Adams – correct. He was contacted by him for the first time at the end of 2013, and was informed by Mr. Adams that he had received a complaint on an in-law apartment. Mr. Haney asked for the date Mr. Adams contacted him. It was sometime in early December. Mr. Adams made contact by mail; he made a phone call and came up to Town Hall. Mr. Adams came twice to the property and spoke with Mr. Sinani's father. Mr. Sinani came to Town Hall several days after that and spoke with Mr. Adams.

The date on the ZBA application was January 15, 2014. Prior to January 15, 2014, had he advertised to rent the apartment? No. His friends and family members sleep there, and there is no rent. Doesn't know why rent is being brought up here; it has nothing to do with rent. Had he ever advertised the apartment for rent? Initially, he did, yes. He was then told by Mr. Adams that you can't have people who are not your family renting. After that, he applied for this and currently has a cousin living there. Mr. Haney is trying to piece together the chronology. When he bought the house, it was empty. Yes. Mr. Haney – no tenants paying him rent from

November 30, 2012 forward. Mr. Sinani - no rent at all paid from the property. Mr. Haney – the apartment is not rented today? No, it's not rented. Is there still an advertisement out there for it? No, was taken off as soon as Marshall told him.

When he made the application, did Marshall show Mr. Sinani the by-law that applies to this permit? He didn't recall, but was told it could only be a family member in there. The whole purpose of this is so that family members can live there; that is why he is here. By-law outlines the conditions, what family is, who can live there and pay rent. Any family member can live there as long it's in the second degree of kindred.

Mr. Shepard – asked if his parents were living there now. Mr. Sinani – his parents are living with him now, but not in the in-law. His cousin is living in the in-law now. Was told by Marshall if there was someone living in the in-law not family, they would get kicked out. As far as the future, his parents will be living there when he gets married.

Opened to floor:

Mr. Haney – he received a letter through Marshall from the residents. Marshall scanned and e-mailed it to the Board. Mr. Haney read portions of the letter (attached). A copy was given to Mr. Sinani who related that his attorney will be getting harassment charges as well as trespassing charges on his neighbors because they have trespassed on his property and there is evidence of that. Mr. Haney – it would be better to leave out anything dealing with his counsel; that is between him and his attorney. The letter states tenants occupied space up to December 2013. Mr. Sinani – they weren't tenants, they were his friends. There was no rent. He has not met any of his neighbors in 16 months; not one neighbor has come to him, but they all know who is entering his house and who is sleeping there and who is not, but no one has introduced themselves to him or expressed their concerns. Mr. Sinani thought the letter was illegal, with inaccurate information; he will also take this to his attorney. Mr. Haney explained this is all a public record. He is saying the people staying there since his occupancy have just been friends. Yes. The information in the letter is incorrect.

Mrs. Nelligan, lives across the street – there were two women living there in the in-law; her husband shoveled their driveway after he bought the house. She had introduced herself to Mr. Sinani and his mother. She knows who comes and goes. He had shown the in-law apartment before she called Marshall, prior to November 26th, and those people are there now.

Abutter – there is a relative of the former owner who can attest that the in-law apartment has remained rented out to people that his sister in-law was renting to. The couple stayed there after he bought the home. The previous owner's sister and her husband live across the street and signed the letter. They are not looking to have a war in the neighborhood. This is a by-law that the town has on the books. They are just looking to have it upheld so this type of situation doesn't continue. If they don't say something, it will go on and on. It compromises the integrity of the neighborhood.

Marshall Adams – he sent letter November 26, 2013, spoke with his father and brother on 12/23 and explained the in-law. He went inside; they said the father and brother were staying there.

It's Mario's house, and he can have guests if he chooses. It was explained that if he wants to rent to family, he should file for a special permit for in-law status. He filed.

Mr. Haney – after he was notified of a violation, he stopped and applied for a permit, which is the process they are in right now. Board can't speak to anything prior to his taking possession of the property. He doesn't know the veracity of whether someone was living there or not. He is here today to move forward. Going into a close knit community is difficult. There is nothing in the town by-laws keeping him from having friends, house guests. He can use his house as he wishes as long as he complies with state, local ordinances.

Mr. Sinani – he has no issues with any of his neighbors. His cousins or family members are living there. They are living with him. If he's not safe in this environment... What are they thinking? Are they afraid of him when he hasn't done anything to them. Mr. Haney – he is here to do the right thing. Abutter – the neighbors want the right thing done also. Abutter – concerned about people going in there now, not the past. Mr. Haney – board isn't going over there asking for identification to figure if they are related to him or not. As long as he's not disturbing the peace, the federal, state or local law, he is entitled to do what he wants with his property.

Brought back to the table. Abutter – with Mr. Sinani starts talking attorneys, trespassing, that's a little over the top. There is no violence or hostility there. Mr. Haney – he realizes he doesn't want any more added aggravation, but he doesn't know if his money is best spent on attorneys here. Mr. Sinani – feels neighbors are invading his privacy and going on his property. Mr. Haney – having neighbors that are concerned is a good thing. Some level of interest and concern by the neighbors should be welcome.

Mr. Shepard – knows where the neighbors are coming from, but the board's job is to abide by the law. They should go forward on the right foot. The board's issue is that he abides by the town laws, not any other issues. He felt it would be a good idea to get together and work on this.

Abutter – as far as watching what goes on at his house, they're not doing that. They have had a lot of issues with house breaks a lot; someone broke into his house. There has been a lot going on down there. It has calmed down now. He has met with Chief Majenski and has been told anytime they don't recognize a car down there, call. They have a type of neighborhood watch almost. Mr. Shepard – maybe he could help them. Mr. Sinani – he would be glad to help if they need him, but would have wanted them to contact him person to person if they thought something was wrong. Mr. Haney – hoped all them would be more involved. There are going to be different cars in the neighborhood with new neighbors. Change is difficult. Neighbors feel he's not being truthful, so it's hard to get off on a good foot when you know someone is lying. Why is Mr. Sinani lying? Mr. Haney – he is asking for a permit to try to make this right. Closed back to the table.

Mr. Shepard – the board has the by-laws to go by; it is not the police. They can only decide if this is an in-law or not. Mrs. Bezanson – doesn't see what the outcome would be if the board denies this. Granting it is just legalizing it and he would be required to fill out the affidavit once a year. If it is denied, there is no affidavit every year, and tax status is as single family. Mr.

Shepard – this gives the town some control over location. Mrs. Bezanson didn't see the value in denying this. Mr. Haney suggested Mr. Sinani get along with the neighbors.

Motion by Lisa Bezanson to approve the petition, seconded by Mr. Shepard, unanimous.

Respectfully submitted,


Nancy Hurst

March 9, 2014

TO: Town of Abington Building Inspector and Zoning Board Members

A meeting took place on Thursday, February 13, 2014 where it was brought to the attention of the Zoning Board the concerns of the neighborhood of Hunt's Pond Lane that the new owner of 1 Hunt's Pond Lane was in violation of Town bylaws as to the manner in which an in-law apartment at said address is being occupied.

At the meeting the current owner, Mr. Mario Sinani, adamantly denied that the property was being "rented out" to non-family members but was instead insistent the property was vacant since he purchased the home and recently became occupied by a "relative" to which he has signed an affidavit stating same.

Let it be known that Mr. Sinani took possession of the property approximately one year ago with the in-law portion of the home occupied by a tenant the previous owner was leasing the space to. Those tenants occupied the space until December 2013, at which time the apartment was vacated and an advertisement for the property "For Rent" was found on a real estate website (copy enclosed). Mr. Sinani was observed showing the property on several occasions and shortly thereafter the property became occupied, once again. It is apparent the new occupants are not relatives of Mr. Sinani and the residents of the neighborhood are concerned about this on-going situation, as there have been at least 5 other non-related occupants at this property since 2008.

The neighborhood was hoping, with the sale of the property to Mr. Sinani last year, that the situation of misusing the in-law apartment would be rectified, as the former owner also misrepresented to the Town that "relatives" were occupying the space when that was not the case. Mr. Sinani's parents reside with him in the main portion of the home and the neighborhood patiently waited to see if they would occupy the space once the other tenants vacated.

It would appear that Mr. Sinani is trying to profit from the space, as did the former owner, with no regard for the bylaw of the Town.

Please know that this a small, quiet, extremely "family-oriented" neighborhood that would like nothing more than to see Mr. Sinani use the space in the manner for which it was meant to create a safe, "family" setting. We are very concerned that this is not the case and the type of environment the renting of this space creates is far from safe or "family-friendly".

As residents of the Town of Abington for more than twenty years, having built homes, raising children, and being actively involved in the Town's community, it is extremely frustrating and disturbing that a bylaw exists to prevent the very situation that is taking place at 1 Hunt's Pond Lane and no real way of upholding or enforcing this law.

It is **NOT** our intent to make things difficult for Mr. Sinani. It is our intent to preserve the value of our community and we are seeking the support of the Town to help right a wrong.

Respectfully,

Concerned Residents of Hunt's Pond Lane

Jack M. [Signature]
4 Hunt's Pond Lane

Richard C. [Signature]
6 Hunt's Pond Lane

James Hayden Polito
580 Gould Street

Paul Scumel
7 Hunt's Pond Lane

Lisa M. Neeligan
Jay
2 Hunt's Pond Lane

JoAnn M. Starkey
[Signature]
5 Hunt's Pond Lane

Hunts Pond Lane, Abington, Ma Abington, MA 02351

This listing might not be available anymore, please contact the listing owner at 617-824-0030 for more information. Expired on 12/19/2013. Want to see the available \$1 rentals in this neighborhood?

Specifications

Bedrooms	Bathrooms	Sq. Feet	Rent	Deposit	Parking	Furnished	Cats	Dogs
1	1	0	\$1100	-	0	-	-	-

Rent (\$1100) is 27% less than nearby 1BR rentals. Average: \$1507

Contact Information

617-824-0030

Description

1 bedroom with 1 1/2 bathroom. It has an open layout of Kitchen/Living/Dining with a half bathroom in the first floor. Second floor has a bedroom with a bathroom and closet. It is located on Hunts Pond Lane, Abington, MA. This is one of the best streets in Abington, MA. EVERYTHING IS INCLUDED IN THE PRICE (HEAT, ELECTRICITY, WATER, SEWER). Only cable is not included. It has a 4 car private driveway. Availability would be on January 1, 2014. Please call Mario at 617-824-0030 to take a look.

Map View



Median rent of this area: \$1507 | [Show area on map](#)