

APPROVED



ZONING BOARD OF APPEALS MEETING MINUTES SEPTEMBER 22, 2016

City Hall Auditorium – 7:00 p.m.

62 Friend Street

Amesbury, MA 01913

ATTENDANCE: Matt Sherrill, William Lavoie, Matt Vincent, Robert Orem, Sharon McDermot, David Haraske
ALSO Susan Yeames, recording secretary

ABSENT: Donna Collins, Denis Nadeau, Building Inspector

ADMINISTRATIVE:

Meadowbrook Estates Ventures, LLC

Request for a (3) Year Extension of a Comprehensive Permit

Property off Kimball Road

Attorney Peter Caruso representing Meadowbrook Ventures. We are looking for a 3 year extension.

Matt Sherrill We could offer you a 1 year extension. Could you give us an update in 3 months? I know there are changes to the plan.

Peter Caruso providing you with a quarterly report would be good.

Matt Sherrill At some point we are going to have to open this back up and notify abutters?

Peter Caruso we still have to go Conservation. Abutters would be notified.

David Haraske what is your expectation?

Peter Caruso it will be reduced substantially. That will help the abutters and the town. We need to recoup what has been spent.

Motion by Matt Vincent to extend for 1 year to September 30, 2017 and request quarterly reports, second by Sharon McDermot. All in favor.

CONTINUED PUBLIC HEARING(S):

29 Clark's Road, Eagle Point – NOTICE OF CHANGE (40B) R. LeBlanc

No one is present to represent the item.

Matt Sherrill This has gone to court. Best way to handle this is to ask them to come back in January.

Motion by Matt Vincent to continue 29 Clark's Road to January 26, 2017, second by Sharon McDermot. AIF

PUBLIC HEARING(S):

Mary Ellen Jutras is seeking a SPECIAL PERMIT/FINDING under the Amesbury Zoning Bylaws, Section IX, Paragraph B, for the removal and replacement of the existing single family home. The property is located at **59 Lake Attitash Road**, Amesbury, MA in an R-20 zoning district, precinct 5.

A P P R O V E D

Sitting: William Lavoie, Robert Orem, Matt Sherrill, Sharon McDermot, David Haraske

Norman Jutras, representing daughter Mary Ellen Jutras. In 2006 we received approval to remove and replace derelict structure. Economically she was unable to act at that time. She wants to bring back the same plan as original, new foundation, same footprint. We will install silt protection and erosion control when the new foundation is put in. We will contact Conservation Commission.

No questions from the board

No one in audience

Motion by Sharon McDermot to close and discuss, second by Matt Vincent. AIF

1. Does it predate zoning? – yes Field card 1930
2. How is it nonconforming? – frontage, rear yard set back, left and right side yard setback, and front yard set back
3. Is it more or less detrimental? – less, it is an improvement
4. Does the extension/alteration create a new nonconformity? – no

Motion by Sharon McDermot to close and vote, second by Robert Orem. AIF

VOTE

William Lavoie – yes

Robert Orem – yes

Matt Sherrill – yes

Sharon McDermot – yes

David Haraske – yes

Motion carries. Finding for 59 Lake Attitash Road is approved

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Robert and Laura Arling are seeking a **SPECIAL PERMIT/FINDING** under the Amesbury Zoning Bylaws, Section IX, Paragraph B, for the alteration and extension of a pre-existing non-conforming one car garage structure. The property is located at **72 Lake Attitash Road**, Amesbury, MA in an R-20 zoning district, precinct 5.

Sitting: William Lavoie, Matt Vincent, Matt Sherrill, Robert Orem, David Haraske

David Curie designer – The garage is in front of the house. Plan is to raze and rebuild new garage. In same footprint. The house is seasonal, needs insulation. Expanding heated living space in house. We are increasing the footprint and the height of the garage.

David Haraske – will garage have an extra room?

David Curie No. Storage space only.

Laura Arling, owner of 72 Lake Attitash The garage is in the front yard. Blocks no additional view.

No questions from the board

ABUTTER

Robert Young, 71 Lake Attitash. The height does affect his view. Move garage 4 feet to the left. Side of garage impedes his view.

A P P R O V E D

Margaret Omer 77 Lake Attitash Foundation to peak or foundation to soffit? Her view would be affected.
Robert Young his right of way is her view. No problem with existing footprint

Motion by Bob Orem to close and discuss, second by Matt Vincent.

1. Does it predate zoning? – yes Field card 1910
2. How is it nonconforming? Left side yard, right side yard, and front yard set backs
3. Is it more or less detrimental? – less it is an improvement. View impact is minimal
4. Does the extension/alteration create a new nonconformity? – no

Motion by Bob Orem to close and vote, second by David Haraske

William Lavoie – yes
Matt Vincent – yes
Bob Orem – yes
Matt Sherrill – yes
David Haraske – yes

Motion carries – Finding for 72 Lake Attitash Road is approved.

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Raymond Gorman, Route 110 - Haverhill Road near Amesbury Heights. Looking for curb cuts from Amesbury Heights development.

Matt Sherrill The ZBA has no control over the project. The Planning Board does. Suggests that you talk with Mayor or Jim Kelcourse.

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Michael D. Silver is seeking a **SPECIAL PERMIT/FINDING** under the Amesbury Zoning Bylaws, Section IX, paragraph C (residential lot of record) and Section XI, paragraph K.1 (residential conversions) to allow the conversion of an existing two family dwelling to a three family dwelling. The property is located at **123 Elm Street**, Amesbury, MA in an R-8 zoning district, precinct 2.

SITTING: William Lavoie, Matt Vincent, Robert Orem, Sharon McDermot, David Haraske

Mike Silver lives at 117 Elm Street residence. Purchased 123 Elm St which needs substantial work, more costly than expected. Lot is preexisting, nonconforming. There will be no change to footprint. Parking is now in street, will change to park in the back. The deed from two prior owners shows a 2 family. There are mostly multi-families surrounding it.

Questions from board

Robert Orem what is the basis for your statement that because this property was a residential lot of record prior to the adoption of the zoning bylaw that it is therefore not subject to compliance with 80' requirement?

Mike Silver – My attorney put that in the application.

David Haraske it doesn't meet the front setback. It's an existing two family. Three-family requires 80' frontage.

A P P R O V E D

Sharon McDermot #4 it does not meet the side yard set back

Matt Vincent Can the applicant ask for a front yard and side yard variance then ask for a special permit to change from 2 family to 3 family. I don't think we can approve this on just a special permit.

Matt Sherrill I would suggest that you talk to your attorney to see if it makes sense to submit a variance for relief from frontage and side yard setbacks and if permitted, we can approve the special permit for two – three family.

Matt Sherrill You can continue the hearing on residential conversion but will need a hearing for a variance for frontage and left and right side yard set back relief. You need to write a letter asking the Board of Appeals to extend your public hearing for residential conversion until the October 27 meeting. You need to get your variance application in by Sept. 30 to be on the agenda for October.

Motion by Sharon McDermot to continue the hearing for the special permit for 123 Elm Street to October 27 meeting and will waive the fees for an application for variance, Second by Robert Orem. AIF

Matt Sherrill as owner of Gould Insurance he has limited time and must resign as of tonight. You will need a chairman.

Motion by Matt Sherrill to nominate Sharon McDermot as chairman of the Zoning Board of Appeals upon submission of his written resignation to the Mayor, second by William Lavoie. AIF

MINUTES: August 25, 2016

Motion by Matt Vincent to approve with edit on Page 5 “Butter” to “Abutter”. Second by Sharon McDermot. AIF

Motion by Robert Orem to adjourn at 8:45 p.m., second by Sharon McDermot. AIF