

APPROVED

**ZONING BOARD OF APPEALS - SPECIAL MEETING
SEPTEMBER 2, 2015**

**62 Friend Street
City Hall Auditorium
Amesbury, MA 01913**

Meeting was called to order at 7:00 P.M.

PRESENT: Bob Orem, Bill Lavoie, Matt Sherrill, David Haraske.

ABSENT: Matt Vincent, Donna Collins. Sharon McDermot came but was excused as abutter.

ALSO PRESENT: Paul Bibaud, Recording Secretary and Denis Nadeau, Building Inspector and Zoning Compliance officer.

ADMINISTRATION:

40B Project off Kimball Road – Request for (3) Year Comprehensive Permit Extension - (268 units)

Applicant: Meadowbrook Estates Ventures, LLC

Representative: Peter Caruso/Caruso and Caruso, LLP

Peter Caruso: With me tonight is Bill Vynorius, who is Wayne's son. Wayne assembled all of these pieces of land from family members. His project was to develop the land. We are here tonight because our new developer (Turner Porter) has met with the board. In the past 6 months, he met with the Mayor, Bill Scott and Nipun Jain to try to find a way to make this work. They talked about reducing the granted 40B which was 268 townhouses, 67 pre-fab four unit buildings of mixed income. They talked about reducing that to 166 units. They had several alternatives, which Turner Porter thought was moving forward, then in June/July, it all fell apart. They then called me. We haven't been dragging our feet. Since last year, we've developed a plan for 166 units and also had multiple meetings with the town. For some reason, it broke down in June. Now I'm in. I spoke to Woody Cammett, and now what we need is a modification, because we have the 268, but needs to go down to 166, so with a lower number, we have to come before the board with a modification. We can't get a modification from Woody in two weeks.

He's producing a plan but not a finalized plan, which we need to do. We're here to request an extension. We've asked for three years, understanding no one wants this project to get moved more than the Vynorius family, Woody Cammett and Turner Porter. So what I'd like to do is meet again with Bill Scott and Nipun Jain and the Mayor, asking how can we make this work? We need an extension to do all this.

Matt Sherrill: As a board, we've agreed that we won't be issuing three year extensions, or even two year extensions. We like to issue a one year extension, with the caveat that you come back to us in a year and show us that you have some sort of movement on the plan, and then if you need another year or two to get your ducks in a row, then we usually grant you a second year at that next hearing. This one I'm a little concerned about as far as that type of process, because in the letter that was given to us, since that time, and you said tonight that you've engaged in negotiations with the town to reduce the number of units, and there's a new plan on file, and that you're working with Woody to get the modifications and I personally would feel better if we

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agreed that I'd like to push this off until our Sept. 24th meeting, which is a public meeting. I believe that there has been a substantial modification here to this plan and it deserves a public hearing.

Peter Caruso: It's a legal problem. Our existing extension expires on Sept. 16. It's an extension we need, but unless we show you the modifications, we have nothing. So it's a two step process. If you grant us the extension, yes we'd have to come before you for a public hearing, which we will on Sept. 24, but then we have Woody needing to button up this plan.

Matt Sherrill: OK. We are taking some action today. In my mind, we are taking action. Our action is that we'd like you to come back on the 24th, although I understand your permit expires on September 16th.

Denis Nadeau: The board has the right to extend this at any length that it wishes to do. So you could extend it to Sept. 30, we'll say, and everything stays legal. Then we can have the other meeting, the public hearing, etc.

Matt Sherrill: I'd much rather handle it that way.

Peter Caruso: We need an extension for one year. Now within that one year, we have to come back to you with a modified plan. Then you can reject or accept it. So it's a two step process. That's why we request the extension. An extension of a year means nothing, because you can say no at any time. We are modifying the plan and have to come before you in a public meeting anyway, so no harm done.

Matt Sherrill: Even the request for extension deserves a public hearing, so people can understand what they are asking for. I think this project deserves an extension, so I'm not pushing it off. It just needs to be held in a public forum so people can understand that this substantial modification is a reduction in units, which people will be happy with, not upset with. I'd rather have it in a public forum. We'd be extending the comprehensive permit as it was pushed through the court system and found in their favor. That is the extension that we would be giving.

Peter Caruso: If that's the case, we're fine. Just so we are clear on what we are extending the 166. We're stuck with what you have approved for 268, so you can only extend for the approval that we have. You can't extend to the 24th subject to the 166. The law doesn't permit that. The law permits the extension on what we have, which is 268 units. Then we come in with a modification. You can say no to either one. We want an extension for the 166. We've shown good faith for the last 6 months, it's just a time lapse. If you had granted a two year extension last year, we'd still be talking tonight trying to move forward.

Matt Sherrill: I'd feel more comfortable doing what Denis suggested, which is to extend the permit until Sept. 30, 2015. Bob, if you want to make a motion, and Peter, we'll see you back on the 24th of September.

Bob Orem: **Motion to extend the existing permit until Sept. 30, 2015 to allow for a public hearing to be held by this board on Sept. 24, 2015. Motion was seconded by Bill Lavoie. Vote was unanimously in favor.**

Motion to adjourn was made by Bob Orem. Motion was seconded by Bill Lavoie. AIF.

Meeting was adjourned at 7: 20 P.M.