

**ZONING BOARD OF APPEALS
CITY HALL AUDITORIUM
62 FRIEND STREET**

FEBRUARY 25, 2016

Meeting started at 7:05 PM

Present: Bill Lavoie, Bob Orem, Donna Collins, Matt Sherrill, Sharon McDermot, and David Haraske.

Absent: Matt Vincent.

Also Present: Barbara Foley, Recording Secretary; D. Nadeau, Zoning Compliance officer. Transcription by Barbara Foley and Joan Baptiste.

Minutes: January 28, 2016: Motion to approve made by Sharon McDermot and seconded by David Haraske. AIF.

ADMINISTRATIVE:

Request for Minor Modification – Letter from Vincent Buscanera for 78 Lake Attitash Road, Amesbury, MA

Matt Sherrill: As you may recall we gave Mr. Buscanera a permit to make some structure modifications on his property at 78 Lake Attitash Rd. I believe MR. Buscanera was trying to save the main portion of the building and basically rebuild the second floor. After demolishing certain portions of the structure Mr. Buscanera determined that the remaining structure was rotten and poorly constructed making it unsafe and impossible to repair so he demolished the entire structure not realizing it was a violation of the zoning board finding that was issued. Mr. Buscanera is requesting a determination that the board considers this a minor modification to the original plan. He had no intention to violate the original decision.

Donna Collins: Mr. Buscanera, did you call the building inspector before you demolished the structure?

Vincent Buscanera: No, not until after the fact. It was unsafe. I made the decision. I know that I should have taken a different approach.

David Haraske: What percentage of the house was demolished?

Matt Sherrill: The whole structure.

Vincent Buscanera: We took down the chimney and second floor and then when we got to the first floor and foundation, we ran into trouble. We removed the entire structure.

Denis Nadeau: The foundation was very poor. Demolishing the house was not intentional. He says that he will rebuild the same as what was there.

Motion by Donna Collins to consider the demolition of the entire structure as a minor modification to the original plan. Second motion by Sharon McDermot. AIF.

Matt Sherrill: This is your one free pass. I can tell you that this board has made other applicants actually tear structures down when they know that they've done something wrong. You didn't know, now you do. If you deviate from that plan one bit I don't think you're going to find much sympathy from this board.

PUBLIC HEARINGS:

Rebecca Rinkaus of 147 South Main Street, #204, Mansfield, MA 02048, is seeking a Special Permit/Finding under Amesbury Zoning Bylaws, Section XI.K.1 to convert an existing two-family home to a three-family home at **85-87 Highland Street**, Amesbury, MA in an R-8 Zoning District.

Sitting on this hearing will be Bill Lavoie, Bob Orem, Donna Collins, Matt Sherrill, and Sharon McDermot. David Haraske is an abutter so he recused himself from sitting on the board.

Rebecca Rinkaus – states that she would like to convert the existing two-family to a three-family. There is sufficient off-street parking. It will be owner occupied.

Bob Orem: What is happening with the second floor?

Rebecca Rinkaus: The 2nd floor left side will remain the same. The 2nd floor right side will be combined with the third floor to make the larger unit. The second and first floor on the left side will be the 2 bedroom unit and then the first floor on the right side will be the one bedroom unit.

Matt Sherrill: Is the kitchen for the third floor actually on the second floor?

Rebecca Rinkaus: Yes, all of the third floor and the second floor on the right side will make up the larger apartment and the kitchen will be on the first floor in the back for that unit. The only alterations to the outside will be a deck for egress.

Matt Sherrill: Part of the summary of findings talks about traffic and pedestrian safety. I'm not certain that your parking plan ...clearly you do have 5 parking spots as required, but I wonder if the cars will have enough room to turn around and not have to back out onto Highland St. Is there any consideration to add some hot top or configure some of your parking along the side of the garage. It appears that is someone is backing out of garage and the parking spots are filled with cars there's not a lot of room for that car to turn around. They will have to back out of the driveway.

Rebecca Rinkaus: As long as there isn't a car parked in front of the garage there is room to maneuver.

Matt Sherrill: The parking could be a little more thoughtfully configured. Highland is a fairly busy street. You're on a blind corner. You've got kids walking on sidewalks, the health center across the street, the school down the street. Seems to be a pretty heavily travels neighborhood. I think it's prudent of this board to consider that.

Rebecca Rinkaus: I can look at extending the paved area.

David Haraske, 8 Moody Street: I am a member of the ZBA but I have recused myself due to being an abutter. I am also concerned with the parking. My other concern is the deck setbacks. It comes out further on the side setback? That's not shown on plan.

Rebecca Rinkaus talking from seat – inaudible.

David Haraske: It goes deeper...if you look at the drawing.

Denis Nadeau: It's an R8 - they only have to have 15 feet, she has 26 feet.

David Haraske: I would like the board to request the distance . Another concern I have is the character of neighborhood...What material do you plan to use for the deck?

Rebecca Rinkaus continues to speak from seat – inaudible. ZBA members speaking among themselves.

David Haraske: Like pressure treated wood?

Matt Sherrill: We don't have much jurisdiction over that stuff.

David Haraske: There will be window replacement. Will it be contiguous with that type of architecture in the neighborhood?

Matt Sherrill: With you guys talking back and forth as you are, it won't be on the recording.

David Haraske asked Denis Nadeau if she has a permit...

Denis Nadeau: That is an interior demolition permit.

Danielle Holmes, 83 Highland Street (direct abutter): I have similar concerns. Not worried about the building materials but the esthetics of the second egresses that would need to be built. The character of the neighborhood is historical homes it's very well kept, but keeping it in style without it being huge porches all over the place with odd stairways. Parking is also a very big concern as mentioned. The middle school is just down the street, the High School. Cars if they are parked on the street at all make it very unsafe.

Matt Sherrill (reads letter from John & Christine Martin – 89 Highland St.): They are opposed to the request to convert the two family to a three family. The requested use is not essential or desirable to the public convenience or welfare, it will create undue traffic congestion and impair pedestrian safety, the narrow driveway is inadequate. There are no measurements on the plans. The plans show four bedrooms currently existing on the third floor. That space on the left side has been used for storage all the time we have lived next door, never for a bedroom. The proposed change will present an adverse impact on our use and enjoyment of our property. The driveway runs right under our sunroom, dining room, living room and two upstairs bedrooms. The driveway is set back 2 – 3 feet from our property line. As the use of the property changes, there will be more traffic in the driveway and a towering deck on the back of 85/87 Highland will infringe on our privacy as it will look down into our sunroom.

Matt Sherrill: There are some flaws in your application. Existing/proposed setbacks... it appears you used the lot line measurements. This makes it an incomplete application unless it's corrected. The parking issue can be changed. We need to know the setback for the deck to the lot line. You can ask for a vote tonight or modify the application and come back next month.

Chris Holmes, 83 Highland St.: Wonder about the lighting for deck. Will it be on all night?

Denis Nadeau: They just need a regular light. It could be a motion sensor. The ZBA can stipulate that.

Matt Sherrill asks applicant to step up to microphone: You've heard the concerns. Do you agree to address our concerns and make modifications and come back with a more complete plan to the meeting that we have in March 24, 2016?

Rebecca Rinkaus: Yes.

Motion to continue to March 24, 2016 ZBA meeting made by Sharon McDermot and seconded by Bill Lavoie. All in favor.

Bob Orem will not be able to attend the March meeting.

Matt Sherrill: Matt Vincent is absent tonight but can review the minutes of this meeting and sign a Mullin to vote or we can go with four members voting. The neighbors will not be notified. We have announced the date of continuance so if you still have concerns you need to come to the meeting on the 24th.

SPECIAL PERMIT/FINDING: To be continued to the March 24, 2016 ZBA meeting. Applicant to submit a new parking plan with new setback measurements on plan.

110 Kimball Road - Special Permit/Finding application under Amesbury Zoning Bylaw, Section IX, paragraph B to raze an existing nonconforming structure on a nonconforming lot and construct a new residential structure which will also have nonconformities at 110 Kimball Road in an R40 district.

Matt Sherrill: This will be heard as a FINDING

Sitting on this will be Bill Lavoie, Bob Orem, Matt Sherrill, Sharon McDermot and David Haraske.

Everett Chandler, representing the applicants – Mark Lopez and Lawrence Kelly: The property is an existing non conforming structure, actually a mobile home with constructed roof over it and a garage. Lot is also nonconforming to the R40 district deficient in area, frontage, width, front, side and rear yard setbacks with respect to the structure. The lot was created in 1967, the structure was built in 1966. The intent is to demolish the existing and rebuild a new one. No new nonconformities, no negative impact to neighborhood.

Matt Sherrill: Is there currently a foundation?

Everett Chandler: No, they are putting one in for the new structure.

Matt Sherrill: Will the garage stay?

Everett Chandler: Yes.

Matt Sherrill: Will any trees be impacted?

Everett Chandler: None.

Matt Sherrill: Will the driveway circle be the same or to the right?

Everett Chandler: The new driveway will be to the right

Matt Sherrill: The current structure is one and a half story. The new structure will be a story and a half. The current height is 14', the new will be 20'.

Motion to close and discuss was made by S. McDermot, seconded by R. Orem, AIF.

Does it predate zoning? 1966 (field card)

How is it non-conforming? – area, frontage, front, side and rear setbacks

Would it be more or less detrimental? an improvement = less detrimental

Are there any new nonconformities? No, according to plan.

Motion was made to close and vote. First motion by David Haraske. Seconded by Sharon McDermot. AIF.

Matt Sherrill: Yes

Sharon McDermot: Yes

Bob Orem: Yes

David Haraske: Yes

Bill Lavoie: Yes

FINDING: APPROVED

Motion was made to close the meeting by Sharon McDermot. Donna Collins second. AIF.

Meeting adjourned at 8:50 p.m.