

The Office of the Zoning Board of Appeals  
THE TOWN OF MERRIMAC  
Massachusetts, 01860



COMMITTEE: ZBA  
MEETING DATE: January 14, 2019  
Meeting Place: Merrimac Town Hall  
86 West Main Street, Merrimac, Ma 01860

Members present: Ed Mills, Earl Baumgardner, Amirault , Mitch Kostoulakos, Josh Jackson-Absent  
Phil Parry

**7:06PM**

Chairman Baumgardner opened the meeting.

**7:07PM**

Arthur Amirault made a motion to approve the December 10, 2018 meeting minutes. Ed Mills 2<sup>nd</sup> the motion. Vote 4:0

**7:08PM**

Mitch Kostoulakos made a motion to approve the warrant for cell phone usage for the board admin. Arthur Amirault 2<sup>nd</sup> the motion. Vote 4:0

**7:10PM**

**22 Noyes Lane** Phil Parry representing

Abutters were present to voice concern about water run off

A petition was filed by John Paulson to vary the terms of Merrimac Zoning bylaw. The property is located at 22 Noyes Lane, Merrimac, MA 01860, in the Agricultural Residential (AR) Zone, the Birchmeadow Overlay District and the Water Resources Protection District. The neighborhood is a residential area. Notice of a Public Hearing scheduled for January 14, 2019 was mailed by first class mail to the petitioner, the abutters of record, and all parties interested as specified in M.G.L. c. 40A, s.11. Legal Notice of the Public Hearing was published in The Newburyport Daily News, a daily publication in the Greater Newburyport Area. Notice appeared on December 24, 2018 and January 7, 2019 announcing the hearing to be held at the Merrimac Town Hall 2 School Street, Merrimac, MA at 7:00 p.m. The Town Clerk posted notice of the meeting of the Board of Appeals in a timely manner. Public hearing was held as advertised. January 14, 2019 Chairman, Earl Baumgardner opened the hearing at 7:00 p.m. members present: Arthur Amirault, Earl Baumgardner (Chair), Mitch Kostoulakos and Ed Mills. Chairman Baumgardner recognized the applicant, John Paulson, and the applicant's attorney, Philip Parry, at which time they were given the opportunity to speak about the proposed project. The Petitioner requests a Special Permit for a building permit according to Merrimac Zoning By-laws Article 17.3, Accessory Dwelling Unit and a Special Permit according to Merrimac Zoning By-laws, Article 14.8.3, Water Resource Protection. The applicant's daughter, Cara Murphy, and son-in-law, Michael Murphy, wish to move into the proposed (to be built) accessory unit to be added to the existing house. Mrs. Murphy has disabilities, including congenital hip degeneration, avascular necrosis and multiple sclerosis. Board

members reviewed the zoning bylaw, the plans and all material provided to them. The new structure for the accessory dwelling meets the permitted 900 square feet and all other requirements of Article 17. The proposed plan is consistent with the character of the neighborhood. The plan also complies with all requirements of Article 14 .8.3. All those interested were given the opportunity to be heard either in favor or in opposition to the petition. Mitch Kostoulakos made a motion to grant the petition with conditions for a Special Permit as needed according to the Merrimac Zoning Bylaw Article 17. The petitioner will be responsible to demonstrate the following: - The accessory dwelling will remain at 900 square feet of living space, which is equal to the 900 square feet permitted. - The accessory dwelling will remain in effect for as long as the petitioner's daughter, Cara Murphy, shall reside at 22 Noyes Lane. In addition, any change in ownership or occupancy of the accessory dwelling unit or primary home will necessitate further consideration by the ZBA. This permit is null and void upon the vacancy of the petitioner's daughter or the home is sold where it will immediately revert back to a single family home. - Clear passage throughout the home will remain in effect. - 2 means of egress will be demonstrated and maintained. - Petitioner will abide by Article 17 in the Merrimac Zoning By-laws, including but not limited to the accessory unit will be subordinate to the principal living quarters, the installation of a common wall or partition of the existing living space, no other living unit may be located at this address, a separate ingress and egress will be provided as determined by the Building Inspector which will not detract from the single family appearance of the dwelling. Ed Mills seconded the motion made by Mitch Kostoulakos The Board voted 4 votes in favor, no dissenting votes. Mitch Kostoulakos made a motion to grant the petition for a Special Permit as needed according to the Merrimac Zoning Bylaw Article 14.8.3. Ed Mills seconded the motion made by Mitch Kostoulakos The Board voted 4 votes in favor, no dissenting votes.

**7:40PM Meeting Adjourned** Earl Baumgardner made the motion to adjourn the meeting, Ed Mills 2<sup>nd</sup> the motion Vote: 4:0



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Chairman