

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

COMMITTEE: ZBA

MEETING DATE: November 29, 2022

Meeting Location: Merrimac Town Hall and (REMOTE) via ZOOM

School Street, Merrimac, Ma 01860

Members present: Matthew Passeri, Josh Jackson, Mitch Kostoulakos, Ben Beaulieu, Ray Cormier, Bob Sinibaldi, Joe Peznola, Mark Bobrowski, Michelle Greene, Carol McLeod, Sandy Venner, Jerome Mathieu, Mike Roy, George Chadwick, Chief Larry Fisher, Greg MacLeon, Chief Eric Shears, Linda S, J Pearson, Mike Roy, Phillip Marchetti, Jay Talerman, Ellen Colburn, Bob Collidge, Mike Pompil, Chris Gaudet, David Cressman, Bob Bender, Jerome Mathieu, Jim Colburn, Greg Dole, Linda S, Jon Pearson

7:00PM

Matt Passeri opened the meeting. 11/2/2022 minutes approved. Mitch made the motion, Ken 2nd the motion. Roll call vote: Josh, Mitch, Ken, Ben, Matt 5:0

The following warrants were vote on and approved:

SME \$401.70

Haley and Ward \$\$1930.00

Legal -Mead-\$1311.00

Legal -Mead-\$190.00

Mitch made a motion to approved the warrants, Josh end the motion. Roll call vote

Josh, Mitch, Ken, Ben Matt 5:0

7:19PM

Matt Passeri continued the hearing....

The Zoning Board of Appeals will hold a public hearing on February 3, 2022 at 7:05PM remotely. The hearing is on the application of AA @ Merrimac Square, LLC concerning the premises located at 0 West Main Street, Merrimac, Massachusetts. This public hearing will be conducted under the "Executive Order suspending certain provisions of the Open Meeting Law GL c 30A Section 20." This property is located in the Rural Highway Zone. The Petitioner seeks a Comprehensive Permit to construct 180 rental apartment units in two structures on land containing approximately 19.97 acres. The property owner is Kenoza Vending , Michael DerBogosian. The application is pursuant to Merrimac Zoning Bylaw and in accordance with Massachusetts General Law ("G.L.") Chapter 40B, 20-23 (the "Act") and 760 CMR 56.

Water Connection-peer review from the town, 70K galloon tank. Water flow was good regarding testing. Will provide to ZBA done within the last 45 days.

Discussion of trail and ADA compliance. The trail will run through the buffer. This will likely cause a disturbance. There is the option to use the sidewalk and the parking lot. Police and Fire needs to sign off on plan.

Con Com is set to meet on 12/21.

7:30PM

19 Green Street continued...

Joanne joined the discussion. Joanne made the motion to approve the petition, Mitch 2nd the motion.

Property: 19 Green Street, Merrimac, MA

Applicant and Property Owner: Matthew Cloutier

This is the **DECISION** of the Town of Merrimac Zoning Board of Appeals ("Zoning Board") to consider the petition of Matthew Cloutier for a variance from the minimum frontage, lot size and width requirements of the Village Residential Zoning District of the Zoning Bylaw (the "Application") to divide the parcel into two separate lots, to provide for the construction of a single-family residence on a new fully conforming lot, and the existing residence requiring the requested variances on the property located at 19 Green Street in the Town of Merrimac, Massachusetts (the "Property").

On October 11, 2022, the Zoning Board opened a duly noticed, posted and published remote public hearing on the Application pursuant to and consistent with the Merrimac Zoning Bylaw, G.L. c. 40A and Chapter 20 of the Acts of 2021. Specifically, notice of the public hearing was timely posted and was mailed to all required parties in interest, and was published in the Newburyport Daily News, a newspaper of general circulation in the Town of Merrimac, on or about October 7, 2022. The meeting of the Zoning Board was conducted via videoconference.

The public hearing was continued on November 29, 2022, and was duly noticed, posted and published consistent with the preceding meeting.

EXHIBITS

The following documents were submitted to the Zoning Board in connection with the Application:

1. Application for a Variance;
2. One page lot plan depicting the existing property lines and proposed division, by Merrimack Engineering Services, dated 10/09/2019; and.

3. A plan depicting the lot plan with expected footprint of the planned residence and driveway.

HEARING

The Zoning Board members present for and participating in the public hearing were Matthew Passeri, Mitch Kostoulakos, Joanne Rodrigues and Kenneth Nobrega. During the public hearing, the Applicant and members of the public were provided an opportunity to be heard regarding the Application.

Mr. Matthew Cloutier appeared on his own behalf, provided an explanation of the proposed construction of a single-family residence that he intended to occupy and the location of the lot division. Mr. Cloutier stated that he spoke with his neighbors concerning his plan and none expressed any concerns. The nonconformities for which the applicant seeks relief exist on the lot where there is an existing single-family residence. Specifically, the nonconformities are frontage of 60 feet, rather than the minimum 80 feet; lot width of 60 feet, rather than the minimum of 70 feet; and, aa lot area of 10,298 square feet, rather than the minimum 10,890 square feet.

No members of the public spoke during the public hearing concerning the Application.

At the initial public hearing, the Zoning Board requested the applicant provide a lot plan depicting the footprint of the planned single-family dwelling. The applicant submitted the requested details.

FINDINGS OF FACT

1. The Property is a single-family residence located in the Village Residential Zone.
2. The Applicant proposes dividing the parcel into two lots, one fully conforming where a new single-family residence will be built, leaving a smaller nonconforming lot where the existing structure is.
3. The Applicant would suffer a substantial hardship if the application was not approved.

DECISION

The Zoning Board considered all the information presented with the Application and presented at the public hearing.

A motion was made by Ms. Rodrigues and seconded by Mr. Kostoulakos that the Zoning Board approve requested variance in the Application.

The motion unanimously passed following a roll call vote with all 4 votes cast in favor of the motion.

Ms. Rodrigues- Yes

Mr. Kostoulakos- Yes

Mr. Nobrega- Yes

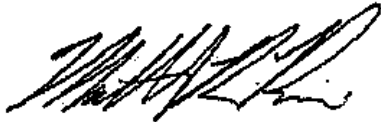
Mr. Passeri- Yes

Accordingly, the Applicant's petition for a variance for the frontage, lot width and lot area minimum requirements of the Village Residential Zoning District of the Town of Merrimac Zoning Bylaws is **ALLOWED**.

Appeals of this Decision, if any, shall be made pursuant to G.L. c. 40A, §17 and shall be filed within twenty days after the date of filing of this Decision in the office of the Town Clerk.

TOWN OF MERRIMAC, MASSACHUSETTS

ZONING BOARD OF APPEALS



Matthew Passeri, Chairman

7:35PM Continue. Hearing.

Con Com will provide feedback for January meeting relating to Wetland waiver request.

Attorney Bobrowski will quantify the impact of ADA compliant path on the buffer zone.

Conversation about the tank continues... George will talk with Mike Roy and report back in Jan

Waivers

Concom outstanding

Sewer Jan

Trail

Water-Jan

Peer Review Water-waivers

Still need Fire to provide input-6 story building.

Attorney Bobrowski will send official list to ConCom.

Sandy Venner-spoke representing the Affordable housing Bd of Trustees-spoke of rentals being monitored by percentage of residents who quantify, 25% held as constant affordable, the need for a monitoring agreement/tenant selection plan. Would like 5% handicapped accessible. Possibly decrease the number of parking spots. Merrimac has a housing production plan, there is concern for the 6-story building, would prefer 4 story building and to decrease to 144 unit.

Next meeting 1/10/23 Remote

8:15PM

Josh made the motion to continue the hearing, Ben 2nd the motion Roll call vote Josh, Mitch, Ken, Ben Matt 5:0

Matthew Passeri Board Chair
